# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 1 of 271

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

INITED STATES OF AMERICA.

Plaintiff.

WALKER RIVER PAIUTE TRIBE.

Plaintiff-Intervenor.

VS.

WALKER RIVER IRRIGATION DISTRICT. a comporation, et al.,

Defendants.

IN EQUITY NO. C-125-ECR. Supproceeding: C-125-B

FIFTH REPORT OF THE UNITED STATES OF AMERICA CONCERNING STATUS OF SERVICE ON CERTAIN PERSONS AND ENTITIES

The United States of America ("United States"), on behalf of itself and the Walker River Paiute Tribe ("Tribe"), submits the following information related to its service efforts on persons and entities subject to service under the Case Management Order (Apr. 13, 2000) ("CMO"). As set forth in this pleading, the United States asks the Court to approve certain service efforts, to amend the caption related to this phase of service, to make corrections and additions, and, in some instances, to take no action at this point as service efforts are continuing. The instant filing focuses on a portion of those persons and entities subject to service under Paragraph 3.a. of the CMO.

This is the fifth such filling that the United States has made in this action. The United States also filed its Fourth Report of the United States of America Concerning Status of Service

C. 13-3: Fight Barries Report

PLACED UNDER SEPARATE COVER DUE TO SIZE: 19 6 2 1



651

District OF SERVICE

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 2 of 271

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit
or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons.
banco of the

Date: 12/7/04

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service he Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 3 of 271

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Summons.

Date: 3/21/05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

Outper

Of

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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# Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 4 of 271

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2	FOR THE DISTRICT OF A	UCT COURT EVADA								
3	UNITED STATES OF AMERICA.									
4	Plaintiff.									
Ξ	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125								
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B								
7	7 vs.									
8	WALKER RIVER IRRIGATION DISTRICT,									
10	NOTICE OF APPEARANCE AND INTENT	TO PARTICIPATE								
11	1. I hereby enter my appearance in this sub-proc	eeding in this case.								
12										
13	Chief Deputy Clerk									
14	United States District Court for the District of Nevada									
15	Reno, Nevada 89501									
16	3. In the envelope provided for return of my Wa	liver of Service of Notice in Lieu								
17	Summons. I am mailing a copy of this document to:									
13	Susan L. Schneider									
19	Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division									
20	P.O. Box 756									
21	r / here hehalf I am acting) y	vill retain all defenses or objection								
22	de la									
23	ll en									
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.  5. If I (or the entity on whose behalf I am acting) have retained an attorney to represe:									
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25	#	ik with the of their thanting aggree								
27	telephone number, and facsimile number:									
23										
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPA	re, page 1 of 2								

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A.P.N. # 10-331-34	
R.P.T.T. \$ -0- 78	STEWART TITLE OF C.C.
ESCROW NO. 04040146	04 JUN -4 AM 8: 11
RECORDING REQUESTED BY STEWART TITLE COMPA	Y:
MAIL TAX STATEMENTS TO	TAKI O, DILLIOAN
SAME AS BELOW	FEE 15 DEP MA
WHEN RECORDED MAIL TO:	
JADE MILLER 4150 Longknife Rd	
Reno, NV 89509	
	(Space Above for Recorder's Use Only)
GRA	ANT, BARGAIN, SALE DEED
THIS INDENTURE WITNESSE HUSBAND AND WIFE A INTEREST	S JOINT TENANTS AS TO AN UNDIVIDED 1/2
n consideration of \$10.00, the re	eceipt of which is hereby acknowledged, does hereby Grant, Bargain Sell LLC, a Nevada Limited Liability Company
and Convey to J & M P1,	LLC, a Nevada Limited Liability Company
and to the heirs and assigns of su	ich Grantee forever, all that real property situated in the County of LYON State of Nevada, bounded and described as:
SEE EXHIBIT ".  Fogether with all and singular the	ch Grantee forever, all that real property situated in the County of LYON State of Nevada, bounded and described as:  A" ATTACHED HERETO AND MADE A PART HEREOF  te tenements, hereditaments and appurtenances thereunto belonging or in eversions, remainders, rents, issues or profits thereof.
SEE EXHIBIT ". Together with all and singular the anywise appertaining, and any re	County of LYON State of Nevada, bounded and described as:  A" ATTACHED HERETO AND MADE A PART HEREOF  te tenements, hereditaments and appurtenances thereunto belonging or in
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SEE EXHIBIT ". Together with all and singular the anywise appertaining, and any re	County of LYON State of Nevada, bounded and described as:  A" ATTACHED HERETO AND MADE A PART HEREOF  the tenements, hereditaments and appurtenances thereunto belonging or in eversions, remainders, rents, issues or profits thereof.  BY:  DADE MILLER
SEE EXHIBIT ". Together with all and singular the anywise appertaining, and any re	County of LYON State of Nevada, bounded and described as:  A" ATTACHED HERETO AND MADE A PART HEREOF  the tenements, hereditaments and appurtenances thereunto belonging or in eversions, remainders, rents, issues or profits thereof.  BY:  JADE MILLER  BY:  Jeneyy
SEE EXHIBIT ". Together with all and singular the anywise appertaining, and any re	County of LYON  State of Nevada, bounded and described as:  A" ATTACHED HERETO AND MADE A PART HEREOF  the tenements, hereditaments and appurtenances thereunto belonging or in eversions, remainders, rents, issues or profits thereof.  BY:  DADE MILLER  BY:  TENLEY V. MILLER  CAROL COSTA
SEE EXHIBIT ". Together with all and singular the anywise appertaining, and any re	County of LYON  State of Nevada, bounded and described as:  A" ATTACHED HERETO AND MADE A PART HEREOF  the tenements, hereditaments and appurtenances thereunto belonging or in eversions, remainders, rents, issues or profits thereof.  BY:  DADE MILLER  BY:  TENLEY V. MILLER  CAROL COSTA
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SEE EXHIBIT ". Together with all and singular the anywise appertaining, and any re DATE: May 27, 2004  STATE OF Revada  COUNTY OF AND COUNTY OF	State of Nevada, bounded and described as:  A" ATTACHED HERETO AND MADE A PART HEREOF  the tenements, hereditaments and appurtenances thereunto belonging or in eversions, remainders, rents, issues or profits thereof.  BY:  DADE MILLER  BY:  TENLEY V. MILLER  CAROL COSTA  Notary Public - State of Nevada  Appointment Recorded in County of Douglas  Appointment Expires Nov. 4, 2004  My Appointment Expires Nov. 4, 2004
SEE EXHIBIT ". Together with all and singular the anywise appertaining, and any re DATE: May 27, 2004  STATE OF Reva a a  COUNTY OF AND COUNTY OF This instrument was acknowledge	County of LYON  State of Nevada, bounded and described as:  A" ATTACHED HERETO AND MADE A PART HEREOF  the tenements, hereditaments and appurtenances thereunto belonging or in eversions, remainders, rents, issues or profits thereof.  BY:  DADE MILLER  BY:  TENLEY V. MILLER  CAROL COSTA
SEE EXHIBIT ". Together with all and singular the anywise appertaining, and any re DATE: May 27, 2004  STATE OF Reva day COUNTY OF AND IN COUNTY OF	State of Nevada, bounded and described as:  A" ATTACHED HERETO AND MADE A PART HEREOF  the tenements, hereditaments and appurtenances thereunto belonging or in eversions, remainders, rents, issues or profits thereof.  BY:  DADE MILLER  BY:  TENLEY V. MILLER  CAROL COSTA  Notary Public - State of Nevada  Appointment Recorded in County of Douglas  Appointment Expires Nov. 4, 2004  My Appointment Expires Nov. 4, 2004

# EXHIBIT "A" LEGAL DESCRIPTION

Order No.: 04040146MM

The land referred to herein is situated in the State of Nevada, County of LYON, described as follows:

ALL THAT CERTAIN REAL PROPERTY BEING A PORTION OF SOUTH 1/2 OF SOUTHEAST 1/4 OF SECTION 22, AND NORTHEAST 1/4 AND NORTHWEST 1/4 OF SOUTHEAST 1/4 OF SECTION 27, T 11 N, R 23 E, M.D.B.&M., LYON COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

PARCEL 1-A, AS SHOWN ON THE PARCEL MAP PREPARED FOR WEAVER PROPERTIES, L.L.C., RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, NEVADA ON APRIL 23, 1999, AS DOCUMENT NO. 232837.

ASSESSOR'S PARCEL NO. 10-331-34

Cas	e 3:	<b>73</b>	CV 801	-p	106.280	<b>≋7-</b> N	218.550	) <u>-</u>	WG	C	D	O¢	Ų	η	enet	6	51   t	ΠF		ēd_	<b>05</b> 7	- 1	9/0	5	Pag	e 8	of	271
297.A 10-331-34	844 Colony		1		=		2.		ties				:		stees of the Will		Weaver ir Tai		Weaver & Roser	perties, L.L.C.,	s, an unmarried		ants as to an		λί.		WRID 06/30/04	
index No. Lyon County No. Claim No.	User# Ditch		TOTAL ACRES		Water Rt. Acres	Non wer XI, Acres	Acre Feet Storage		10/16/02 - Transferred from card #66136 - Weaver Properties 02/11/04 - Assigned new APN by County	Hallsteined Hoth Card #18/76, Gilbert & Miller					tight, Successor Trustees to Cora Sayre, deceased, to William M. Jr. & Rosemary F. Weaver, Trustees of the William Agreement		& 27; T 11 N - R 23 E. for William M. Weaver & Rosemary F. Weaver, Trustees of the William M. Weaver. In Trust	r, Jr. Trust.	William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to William M. Weaver & Rosemary Weaver, Trustees of the William Weaver, Jr. Trust (18).	William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to Weaver Properties, L.L.C., a Nevada Limited Liability Company.	Weaver Properties, L.L.C., a Nevada Limitied Liability Company to Weston L. Wright, an unmarried man & Sandra Lynn McCombs, an unmarried woman (16).		Weaver Properties L.L.C., a Nevada Limited Liability Company to Michael C. & Angel Kerr Gibert, husband and wife as Joint Tenants as to an undivided 1/2 interest and Jade & Tanion V. Millor, husband and wife as Joint Tenants as to an	Jade and Tenley V. Miller, husband and wife as Joint Tenants (an und 4/2 just).	I liability compar		WRIL	
			CLAIM #					:	APN by Count	AII CAIG #18//G					Jr. & Rosemar		iver, Trustees	lam M. Weave	Trust Agreeme	Trust Agreeme	d man & Sand		husband and	ed 1/2 interest	Nevada Imile			
			BRIDGEPORT RES. ACRE FEET		00'				- Transferred from card #86136 - Assigned new APN by County					,	, to William M.		semary F. Wea	tees of the Wil	Jr. Revocable	Jr. Revocable	nt, an unmarrie		el Kerr Gibert,	nts, an undivid	E W LI, LLC.			
STRICT			TOPAZ RES. ACRE FEET		218.86			COMMENTS:	10/15/02 - 02/11/04 - 1	• •	7				ayre, deceased		. Weaver & Ro	. Weaver, Trus	ım M. Weaver,	ım M. Weaver,	Veston L. Wrigh		chael C. & Ang	as Joint Tena	20 (30)			
R RIVER IF ATION DISTRICT YERINGTON, NEVADA	ocal No. 1		ACRE FEET APPORTIONED		218.88	•.		100 社会							tees to Cora Sa	S.E.	. for William M	& Rosemary F	ses of the Willia	es of the Willia	Company to V		Company to Mi	Tenante (an un				
ALKER RIVER IF YERINGTO	O, & M, Local No.		EET REQUIRED TOTAL	2.18.852	218.852			32							Successor Trus	Parcel Map of Portions of Sec. 22, & 27; T 11N - R 23 E.	; T 11 N - R 23 I	Boundary Line Adjustment for William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Trust.	. Weaver, Truste /er. Jr. Trust (18	Weaver, Truste	imitted Liability	)   	mited Liability	nd and wife as Joint Tenante (an ima 42) just 1 e as soint Jenante, an undivided 1/2 interest				
WALK	† <b>1</b>		ACRE FEET R	2,0592							2			Sayre Trust.	Andrew G. Sayre, Jr. & Mark Arrighi, Succe M. Weaver, Jr. Revocable Trust Agreement	s of Sec. 22, &	of Sec. 22, & 27	ment for Willian	க் Rosemary F. he William Weav	& Rosemary F. ty Company.	.C., a Nevada L	Parcel Map for Weaver Properties, L.L.C.	.C., a Nevada Li	ler, husband ar				
			STORAGE	&) &)					्री -	of set Berri	165	,	int	Cora G. Sayre to Cora Sayre Tru	Andrew G. Sayre, Jr. & Mark Arri M. Weaver, Jr. Revocable Trust	of Portion	Parcel Map of Portion of Sec. 22,	Line Adjust	Weaver, Jr. rustees of th	Weaver, Jr. nited Liabili	operties, L.I I.	for Weave	Weaver Properties L.L.C., a Neva undivided 1/2 interest and Jade &	enley V. Mi				
Gilbert			PUTY	4 2768								DESCRIPTION	Joint Tenant	Cora G. S.	Andrew G M. Weave	Parcel Ma	Parcel Ma	Boundary	William M. Weaver, T	William M. Nevada Lir	Weaver Pr woman (16	Parcel Mag	Weaver Prundlyided	Jade and				
19776 Michael C. & Angei Kerr Gilbert J. & M. Pl, L.L.C	881 Mahogany Minden, NV 89423		ACRES	108.280	106.280							DATE	11/09/62	07/30/87	12/27/96	03/27/97	08/22/97	12/09/97	/R/R0/71	12/19/97	02/11/98	04/23/99	09/18/02	06/04/04				
19776 Michael C. 8.	Minden, NV 8		C.F.S.				NC		ic. 27; 13 E.	PM 232837	:4:																	
Division #: Card #: Name:	Address: Court Decree:		PRIORITY	NEWL	TOTAL		LEGAL DESCRIPTION		Pr. NE 1/4, Sec. 27; T 11 N, R 23 E.	Parcel 1-A of PM 232837	DOCUMENT HISTORY:	DOCUMENT#	#45-289	#109226	#201099	#203640	#209100	#212989		#213378	#215183	,		#322341	119			

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YERINGTON, NEVADA			O. & M. Local No. 1			ACRE FEET	APPORTIONED				218.86	
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	, LLC	1320 Highway 396N	Gardnerville, NV 89410			ACRES		406 904	100.400	106.280		
20770	GR8DEAL, LLC	1320 High	Gardnery			eri U				_		
Card #:	Name:	Address:		Court Decree:	A GOOD	2021		NEWL	1101			

TION DISTRICT

WALKER RIVER IR

Division #:

10/15/02 - Transferred from card #56136 - Weaver Properties 02/11/04 - Assigned new APN by County 08/17/04 - Transferred from card #19776, Gilbert & Miller 06/17/04 - Transferred from card #19776 - Gilbert & J&M PI, LLC COMMENTS Parcel 1-A of PM 232837 Pr. NE 1/4, Sec. 27; T 11 N, R 23 E. DOCUMENT HISTORY: LEGAL DESCRIPTION:

**2**8/

Non Wir Rt. Acres

218.860

Acre Feet Storage

, LOC 1001			ļ
DOCUMENT #	DATE	DESCRIPTION	
#46-289	11/09/62	Joint Tenant	
#109226	28/08/20	Cora G. Savre to Cora Saure Tana	
#201099	12/27/96	Andrew G. Sayre, Jr. & Mark Arrighi, Successor Trustees to Cora Sayre, deceased to William M. I. • D.	_
#203640	03/27/97	Parcel Map of Portions of So. 20. 17 Parcel Map of Portions of So. 20. 20. 20. 20. 20. 20. 20. 20. 20. 20	
#209100	08/22/97	i, d. Z/; i 11N · R 23 E.	_
#212988	12/09/97	Boundary Line Adhistment for William M. Weaver & Rosemary F. Weaver, Trustees of the William M. Weaver, 1.	
#212989	12/09/97	William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Trust.	
#213378		Weaver, Trustees of the William Weaver, Jr. Trust (18 December of the William M. Weaver & December of the William M. Weaver & December of the William W. Weaver & December of the William M. Weaver & December &	
	12/18/97	William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William & M.	
#21K103		Nevada Limited Liability Company.	
200	02/11/98	Weaver Properties, L.L.C., a Nevada Limitled Liability Company to Weston   Wright	_
#232837	04/23/99	Womain (19).	_
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	70/91/60	Weaver Properties L.L.C., a Nevada Limited Liability Company to Michael C. & Annal Kerr City L. L. L. L. Annal Line Line Line Line Line Line Line Line	_
#322341	06/04/04	Jade and Tankov V. Miller, husband and wife as Joint Tenants, an undivided 472 interest and tenants as to an	10
#322342	70,000	Of the state of th	_
	06/04/04	Michael C. & Angel Kerr Gilbert, husband and wife and J.& M. PI, LLC, a Nevada limited company to Oppose 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	
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# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 10 of 271

APN: 14-231-02

When recorded, mail original and Tax Statements to Grantee: Jean Leslie Bye 3210 Kessaris Way

Reno, Nevada 89511

RPTT#3

UTFICIAL RECORDS LYDN COUNTY, NEV. RECORD REQUESTED BY

David Roese, Eg. 03 SEP 16 PM 12: 33

HARY C. MILLIGAN COUNTY RECORDER

FRE 15 0EP. Du

Reso, NV 89505

#### EXECUTOR'S DEED

THIS DEED is made on the day of September 2003, by Jean Leslie Bye, as Executor of the estate of HENRY SIGMOND OSBORN, deceased, Grantor, conveying to Jean Leslie Bye, 3210 Kessaris Way, Reno, NV 89511, as tenant in common an undivided one-half (%) interest and conveying to Gayle Sidney(Herman) Poulsen, 3684 West Spruce Creek Meridian, Idaho 83642, as tenant in common an undivided one-half (%) interest, as tenants in common, Grantees.

Grantor is the qualified Executor of the above-stated estate, filed as Probate Case Number PE 6244, in the Third Judicial District Court of the State of Nevada, County of Lyon.

Grantees are entitled to distribution of one-half each of the real property described below.

FOR VALUABLE CONSIDERATION RECEIVED, Grantor conveys and releases to each of the above said Grantees an undivided one-half(%) interest of the following described real property located at 149 Hwy 95A North, Mason Valley, Yerington, NV in the County of Lyon, State of Nevada, with all appurtenances, more particularly described as follows:

Commencing at the Section Corner common to Sections 15, 16, 21 and 22, T.14N. R.25 E., M.D.B.&M. and running thence N 00°18'10" W 3602.53 feet; thence N 00°10'15" E. 621.30 feet to the true point of beginning; thence 1<sup>st</sup> course S 89°42'40" W 662.58 feet; thence 2<sup>nd</sup> course N 00°14'00" W 621.27 feet; thence 3<sup>rd</sup> course N 89°42'46" E

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 11 of 271

666.96 feet; thence 4th course S 00°10'15" W 621.27 feet to the place of beginning and being 9.48 Acres in the NE 1/4 of NE1/4 Section 16, T. 14 N. R. 25E., M.D.B.&M.

Together with all water and water rights, ditches and ditch rights appurtenant thereto or used in connection therewith.

APN 14-231-02

The Executor of the Estate of HENRY SIGMOND OSBORN, has executed this Deed at Reno, Nevada, this on

en her 2003.

JEAN KESLIE BYE, Executor of the Estate of Henry Sigmond

Osborn, deceased

STATE OF NEVADA

COUNTY OF WASHOE

2003, before me the undersigned, a Notary Public in and for said County and State, personally appeared JEAN LESLIE BYE known to me, based on satisfactory evidence, to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

WITNESS my hand and official seal

LINDA C. HOVAN lotary Fublic, State of Nevada Appointment No. 9609992 Vly Appt. Expires Feb. 14, 2004

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/99/05 Page 12 of 271

UFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY

A.P.N. 12-261-07-/2-Escrow No.: LY-303145-DA 04 APR 21 AH 11: 13

303145

RECORDING REQUESTED BY:

MAIL TAX STATEMENTS AND WHEN RECORDED, MAIL TO:

Raymond B. Hammack P.O. BOX 196

Smith, NV 89430-0196

NORTHERN NEVADA TITLE CO.

MARY D. MILLIGAN COUNTY RECORDER

THIS SPACE FOR RECORDER'S USE ONLY

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ 438.75, computed on full value of property conveyed.

GRANT, BARGAIN, SALE DEED

That James L. Pepple and Grace Pepple, Husband and Wife as Joint Tenants with Right of Survivorship in consideration of \$10.00 Dollars, the receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, Sell and Convey to Raymond B. Hammack and Sonya Hammack, Husband and Wife as Joint Tenants all that real property in the County of Lyon, State of Nevada, bounded and described as follows: See Exhibit "A" attached hereto and made a part hereof

Together with all singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Dated: April 20, 2004

James L. Pepple

Lace Pepple

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 13 of 271

STATE OF NEVADA )	
COUNTY OF LYON )	
On 4-20-04 personally appeared before me, a Nota	ry
Public, 100000 1 Public,	
Sames L. Propie and	<del></del>
Grace Pepple	
who acknowledged that he executed the above instrument.	
SignatureNandLAWW	
(Notary Public)	
/ 1	

DIANE L. ARVIZO

Notary Public - State of Nevada

Appointment Recorded In Lyon County

No: 96-5065-12 - Expires September 20, 2004

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 14 of 271

LY-303145-DA 303145

#### EXHIBIT "A"

All that certain real property situate in the County of Lyon, State of Nevada, described as follows:

Of a portion of land situated in the SW ¼ of the SW ¼ of Section 2, T. 12 N., R. 25 E., M.D.B.&M., located in the County of Lyon, State of Nevada. More particularly described as follows:

Commencing at the SW corner of Section 2, T. 12 N., R. 25., M.D.B.&M., marked with a 1 ½" iron pin; Thence running along the South line of the SW ¼ of said Section 2 S. 89°28'13" E. 585.34 feet to a point on the Easterly right of way of State Route 208, said point also being the point of beginning; Thence S. 89°28'13" E. 250.04 feet; Thence N. 0°31'47" E. 166.88 feet; Thence N. 89°28'13" W. 175.90 feet; Thence S. 86°22'51" W. 139.42 feet to a point on the Easterly right of way of State Route 208; Thence along the Easterly right of way S. 21°57'35" E. 169.70 feet to the point of beginning.

Said Parcel is further shown as Adjusted Parcel 1 on that certain Boundary Line Adjustment Map recorded in the Official Records of Lyon County, Nevada on April 6, 2004 as Document No. 317616.

NOTE: Legal description previously contained in Document No. 317617 recorded on April 6, 2004.

Card #:	22410										Index No.	Fm 16B	
Name:	Raymond	Raymond B. & Sonya Hammack	mmack								Lyon County No.	12-261-13	
												)a   	
Address:	P. O. Box 1391	1391									User #	923	
	Yerington, NV	n, NV 89447				O. 8. M	O. & M. Local No. 3					Greenwood	
Court Decree:				ļ								٦. ١	<b>0.7</b>
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LEGAL DESCRIPTION:	:NO					- T. T.	1	COMMENTS					
Fr. SW 1/4 of SW 1/4, Sec. 2; T 12 N, R 25 E.	f SW 1/4, Se 25 E.	c. 2;		A STATE OF THE STA				Also APN 5/9/01 - T 5/28/04 - 6/03/04 - 8/10/04 -	Also APN #12-261-07 5/9/01 - Transferred from card #1500 - Aylor 5/28/04 - Transferred from card #39888 - Pepple 6/03/04 - Transferred from Pepple - user #1551, 6/10/04 - Changed Address	n card #1500 - m card #3988 m Pepple - us	N #12-261-07 Transferred from card #1500 - Aylor - Transferred from card #39888 - Pepple - Transferred from Pepple - user #1551, card #39880 - Changed Address		WGC I
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DOCUMENT#		DATE	DESCRIPTION	NO								Ju	⇃.
#09152		12/20/71	Fred & J.	Fred & Josephine Batchelder !	atchelder to All	to Alfred & Yvonne Ratzlaff.	Ratzlaff.						
#14550	:	05/29/73	Alfred &	Yvonne Ra	Alfred & Yvonne Ratzlaff to Luther & Eva Jo Kanning.	& Eva Jo Kan	ning.						 
#44449		03/28/79	Luther &	Luther & Eva Jo Kanning to El	nning to Elmo E.	E. & Margot A. Aylor.	Aylor.						
#108077	:	05/30/87	Round th	e World Ai	Round the World Aircraft (E. Edison	n Aylor, Pres.)	Aylor, Pres.) to Elmo Edison Aylor. Included non-water righted ground in acreage	Aylor. Include	d non-water rig	thted ground	In acreage.	O,	65
#317616		04/05/01	Boundary	Eimo Edison Aylor and Margot Boundary I ine Adjustment for	and Margot Anr	Ann Aylor, husband and	nd and wife as J	olnt Tenants t	o James L. & G	race Pepple, I	Elimo Edison Aylor and Margot Ann Aylor, husband and wife as Joint Tenants to James L. & Grace Pepple, husband and wife Boundary Line Adjustment for James 1.8. Grace Dennie		- 4
#317617		04/06/04	James L. & G Survivorship	& Grace P	epple, husband	l and wife as J	Joint Tenants to	James L. & Gr	ace Pepple, hus	sband and wil	James L. & Grace Pepple, husband and wife as Joint Tenants to James L. & Grace Pepple, husband and wife as Joint Tenants with Rights of Survivorship	with Right	50
#318754		04/21/04	James L. & Gracas Joint Tenants	& Grace P	epple, husband	d and wife as J	James L. & Grace Pepple, husband and wife as Joint Tenants with Right of Survivorship to Raymond B. as Joint Tenants	h Right of Sur	vivorship to Ra	ymond B. & S	onya Hammack, h	usband an	 
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IRRIGATION DISTRICT

WALKER R

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# Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 16 of 271

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (o:	the entity on who	se behalf I am actii	ng) will retain all	defenses or obj	ections to the lawsui
or to the jurisd	ction or venue of	the Court except for	or objections base	ed on a defect in	the Notice in Lieu o
Summons or it	the service of the	Notice in Lieu of	Summons L	)	-

Date: 3-25-05

Signature

Printed/Typed Name
If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked be a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beathe cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

#### Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 17 of 271 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE. 6 SUBFILE NO. C-125-B Plaintiff-Intervenor, 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a comporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu c 3. Summons. I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objection: 4. 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25

5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings. I identify that attorney below, along with his or her mailing address. telephone number, and facsimile number:

28

	CV-00127-MMD-WGC Attorney:	Document 651	Filed 05/09/05 Page 18 of 271
	Attorney.		
2			
3	Address:		
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5			
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7	Fax Number:		1/1/1-
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9			(Signature)
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11			(Printed or typed Name)
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14			(E-tip: if any an whose
15			(Entity, if any, on whose behalf you are appearing)
16	•		129 Lower Clerry RD
17			W. 11 inter N. 1. 89444
18			(Address)
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# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 19 of 271

309839
UTFICIAL RECORDS
LYON COUNTY, NEV.

APN 14-541-03 Document Transfer Tax \$2,106.00 Order No. TSL-25707-KG Mail Tax Bill to Grantee: 60 PETE HENDRICKS ROAD YERINGTON, NEVADA 89447 RECORD REQUESTED BY
Title Service & Escrow Co.
03 DEC -8 PM 4: 38

MARY C. HILLIGAN COUNTY RECORDER

SPACE ABOVE FOR RECORDER'S USE ONLY

AND BARGAIN and SALE DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

KENNETH BITLER and PEGGY L. BITLER, as Trustees of the KEN and PEGGY BITLER FAMILY TRUST, dated May 13, 1992, as to an undivided one-half (1/2) interest, and MARVIN F. PETERSON and LYNN M. PETERSON, as Trustees of the MARVIN AND LYNN PETERSON TRUST, dated September 25, 1990, as to an undivided one-half (1/2) interest

do (es) hereby GRANT, BARGAIN and SELL TO

WILLIAM A. MERRIWETHER and SHERRI A. MERRIWETHER, husband and wife as Joint Tenants with the Right of Survivership

the real property situate in the County of Lyon, State of Nevada, described as follows:

Parcel 1:

That portion of the W 1/2 of the SW 1/4 and the SW 1/4 of the NW 1/4 of Section 7, Township 13 North, Range 26 East, M.D.B.&M., lying East of the Highway 95 Alternate, in Lyon County, Nevada, more particularly described as follows, to-wit:

Beginning at a point on the South boundary of said Section 7 at a point from which the Southeast corner of Section 7 bears South 89°29'20" East, 4040.50 feet; thence running North 0°21' East, 3979.55 feet; thence South 89°46' West 260.80 feet to the easterly right-of-way line of the highway; thence along the highway South 2°12' West 3977.39 feet; thence South 89°20'20" East 389.60 feet to the point of beginning.

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 20 of 271

#### Parcel 2:

A parcel of land located in the SW 1/4 of SW 1/4 of Section 7, Township 13 North, Range 26 East, M.D.B.&M., in Lyon County, Nevada, being that area lying outside of the curve in the Highway 95 Alternate, South and East of the highway and West of the fence line, more particularly described as follows:

Beginning at the Southwest corner of the said SW 1/4 of SW 1/4, Section 7, from which the Southeast corner of said Section 7 bears South £9°29'20" East, 5318.00 feet; thence running South 89°29'20" East, 888.50 feet; thence North 2°12'00" East, 1021.14 feet to the froint of tangency of the East right-of-way line of said highway; thence following the curve to the right from a back tangent bearing of North 2°12' East, with a radius of 1040 feet; through an angle of 81°38' for a distance of 1481.76 feet; thence South 0°21'00" West, 26.31 feet to the point of beginning.

Excepting from both parcels all of the following described property which lies within the boundaries of Parcels 1 & 2:

Being a piece or parcel of land 80 feet in width, or parcels or strips of land 40 feet in width on each side of the surveyed highway centerline of Nevada State Route 3 (U.S. 95 Alt.) between Highway Engineer's Stations "D" 80020.83 P.O.T. and "D" 93+56.05 P.O.T.; and being a piece or parcel of land 100 feet in width or parcels or strips of land 50 feet in width on each side of the surveyed highway centerline of Nevada State Route 3 (U.S. 95 Alt.)

between Highway Engineer's Station 'D' 93+56.05 P.O.T. and "D" 119+98.00 P.C. which centerline is more fully described as follow, to-wit:

Beginning at an intersection of said centerline with the West boundary of the SE 1/4 of the SE 1/4 of said Section 12 at Highway Engineer's Station "D" 80+20.83 P.O.T. said point of beginning further described as bearing North 89.52.23 West a distance of 6547.22 feet from the Southeast corner of said Section 7; thence North 89°35′31" East along said centerline a distance of 1844.02 feet to a point; thence South 87°39′57 Fast continuing along said centerline a distance of 2133.15 feet to the point of ending at Highway Engineer's Station "D" 119+98.00 P.C.; said point of ending further described as bearing South 88°40′51" West a distance of 2572.53 feet from the Southeast corner of said Section 7.

#### Parcel 3:

Township 13 North, Range 26 East, M.D.B.&M.

Section 7: Southeast 1/4 of Northwest 1/4; East 1/2 of Southwest 1/4.

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 21 of 271

Legal Description appeared previously in Document No. 185717, recorded on September 12, 1995, Official Records of Lyon County, Nevada.

TOGETHER WITH all water and water rights, ditches and ditch rights, well and well rights.

TOGETHER WITH all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainders, rents, issues or profits thereof.

DATED /2-3/83

KENNETH BITLER, Trustee

PEGGY L. BITLER, Trustee

STATE OF NEVADA

COUNTY OF LYON

85.

Notary Public

KELLY GREGG
Notary Public - State of Nevada
Appointment Recorded in Lyon County
No: 02-75325-12 - Expires May 14, 2006

Qok,

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 22 of 271

LYNN M. PETERSON, Trustee

STATE OF CALIFORNIA NEVAL

COUNTY OF

on 12/3/03 before me Jill A. Johnson

personally appear a MARVIN F. PETERSON and LYNN M. PETERSON, as Trustees of the MARVIN AND LYNN PETERSON TRUST, dated September 25, 1990 personally known to me OR proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seals

JILL A. JOHNSON Notary Public - State of Nevada Appointment Recorded in Douglas County No: 83-0504-5 - Expires June 10, 2005

Och

Signature of Notary

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 23 of 271 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all	defens	ses or obje	ections to the	he lawsuit
or to the jurisdiction or venue of the Court except for objections base	d on a	defect in	the Notice	in Lieu of
Summons or in the service of the Notice in Lieu of Summons.	•			

Date: 6-25-05

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked be a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beathe cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

#### Case 3:73-cy-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 24 of 271 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE. 6 SUBFILE NO. C-125-B Plaintiff-Intervenor. 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu c 3. 17 Summons, I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objection 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen 25 me in these proceedings. I identify that attorney below, along with his or her mailing address 26 telephone number, and facsimile number: 28

Case 3:73	-cy-00127-MMD-WGC [Attorney:	Document 651 Filed 05/09/05 Page 25 of 271
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3	Address:	
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13		
14		
15		(Entity, if any, on whose behalf you are appearing)
16		129 Lawer Colony W
17		Cellingten NUE 994
18		(Address) (775)4(55-207)
19		(Telephone number)
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# Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 26 of 271

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

# TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Signature

MARK AL. ARRIGH!

Printed/Typed Name
If you are acting on behalf of any entity, identify that you are acting as:

TRUSTEE

Of

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service a Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 27 of 271

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-20-05	Signature EXMER C ROBERTSON
	Printed/Typed Name If you are acting on behalf of any entity, identify that you are acting as:  Of  (Title)
	(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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# Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 29 of 271

1	Attorney:	
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3	Address:	
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6	Phone Number:	
7	Fax Number:	
8		Elmer C Labertan
9		(Signature)
10		
11		ELMER C ROBERTSON
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose
16		behalf you are appearing)
17		199 PETE HENDRICHSIRD
- 1		YELINGTON, NU 89447
18		(Address)
1.9		775-463-4617
20		(Telephone number)
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# Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 30 of 271

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in a of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor, SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. 9 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk 14 United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 17 Summons, I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 21 Littleton, Colorado 80160 I (or the entity on whose behalf I am acting) will retain all defenses or objections 22 4. to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 32 of 271

1	Attorney:	
2		
3	Address:	
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6	Phone Number:	
7	Fax Number:	
8		Geneva K Robertson
9		(Signature)
10		
11		GEHEVA K. ROBERTSON
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose behalf you are appearing)
16		199 fete Hendrichs Pd Genington, NV 89447
17		yeington, NV 89447
18		(Address) 775-463-4617
19		(Telephone number)
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# Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 33 of 271

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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Date: 3/23/05	Carole Logue Signature Carole J. Rogens	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 34 of 271

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: 3/23/05	Signature RALPH S. Rogers	
	Printed/Typed Name  √	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu	unt Loi
Summons or in the service of the Notice in Lieu of Summons	ı O

Date: 3-19-05

Signature

DAVID H. ROOTS

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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1 2 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk 14 United States District Court for the District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 17 Summons. I am mailing a copy of this document to: 18 Susan L. Schneider 19 Attorney for the United States of America United States Department of Justice 20 Environment & Natural Resources Division P.O. Box 756 21 Littleton, Colorado 80160 I (or the entity on whose behalf I am acting) will retain all defenses or objections 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 25 If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 28

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 37 of 271

1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	Q $Q$
8		Laur A. Cons
9		(Signature)
10		
11		DAVID H. ROOTS
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose
16		behalf you are appearing)
17		
18		(Address)
19		(Telephone number)
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## Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 38 of 271

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: 3/18/05	Signature  Kathleen Roots  Printed/Typed Name  If you are acting on behalf of any entity, identify that you a acting as:	
	(Title)	of
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

## Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 40 of 271 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

## Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 41 of 271

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

- LO: Susan L. Schneider, attorney for the United States of America
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Date: 2-17-05

Signature Rosasche

Romeo Rosaschi, Jr.

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Owner of

Romeo Rosaschi, Jr., Inc.

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a name of appearance and intent to participate.

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA, 4 Plaintiff, 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE, 6 SUBFILE NO. C-125-B Plaintiff-Intervenor, 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons. I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 4. 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 5. 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

## Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 43 pf 271 Attorney: Address: Phone Number: Fax Number: Romes Rosasela (Signature) Romeo Rosaschi, Jr. (Printed or typed Name) Romeo Rosaschi, Jr., Inc. Romeo Rosaschi, Jr., owner 702 South Main St. Yerington, NV 89447 (775) 463-3777 page 2 of 2 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

## Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 44 of 271

A.P.N. 04-391-04 RPTT: ±1-9

RECORDING REQUESTED BY:

MAIL TAX STATEMENTS AND WHEN RECORDED, MAIL TO: Elaine M. Cid 1403 Hwy 208

Yerington, NV 89447

DEFICIAL RECORDS

LYON COUNTY, NEV.

RECORD REQUESTED BY

E 12 12 Ci D

O3 NOV - 4 PM 2: 34

MARY C. MILLIGAN

COUNTY RECORDER

FEE 39 DEP. ICR

THIS SPACE FOR RECORDER'S USE ONLY

GRANT, BARGAIN, SALE DEED

That Christina Lynn Roseberry, a Married Woman as Her Sole and Separate Property in consideration of \$10.00 Dollars, the receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, Sell and Convey to Elaine M. Cid, a Married Woman as Her Sole and Separate Property, all that real property in the County of Lyon, State of Nevada, bounded and described as follows:

Lot No. 3 as shown on the Official Map of Walker River Ranch Subdivision, recorded in the Official Records of Lyon County, Nevada on June 5, 1972 as Document No. 10568.

Together with all singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Dated: September 23, 2003

Christina Lynn Roseberry

STATE OF hwada

COUNTY OF Clark

On 10-20-03 personally appeared before me, a Notary Public, Christina Lynn Roseberry who acknowledged that spe executed the above instrument,

Signature Starley & Shamp

(Notary Public)

REMLE S. GRIMBERG
NOTARY PUBLIC
STATE OF NEVADA
APPT. No. 02-72499-1
MY APPT. EXPIRES DEC. 15, 2005

307671

ATION DISTRICT YERINGTON, NEVADA WALKER RIVER

Elaine M. Cld

8800

Card #; Name:

Division #:

1403 Highway 208 Yerington, NV 89447

Address:

2370 Lee Sanders

4-391-04 Fm 375

Lyon County No.

index No.

Claim No. User # Ditch

	Yerington, NV 894	Yerington, NV 89447			ŀ						User #	2370
Court Decree:					ļ					A	Ditch	Tee Sanders
VEIGNIE		4		SYKC	ACRE PEE	ACRE FEET REQUIRED	ACRE FEET	TOPAZ RES	TOPAZ RES ABIDADEDOBT BEE			
	9	ACKES	100	STORAGE	PER ACRE	TOTAL	APPORTIONED	ACRE FEET	ACRE FEET	CLAIM #	TOTAL ACRES	2.6
NEWL		2.560	4.2768	59	2.0592	£ 272						
TOTAL						217.0					Manage De America	
202		7.560				6.272	6.27	5.27	00.		MODEL OF ACIES	2.560
											Non Wir Rt. Acres	60.
			,									M
											Acre Feet Storage	\$.2 <mark>\</mark>
LEGAL DESCRIPTION	146											

01/05/04 - Removed C. Roseberry

COMMENTS:

	:
	Lot #3, Walker River Ranch Subdivision, Sections 9 & 10; T 11 N, R 25 E.
SAL DESCAIP LONG	Lot #3, Walker Riv T 11 N, R 25 E.

DOCUMENT HISTORY:		
DOCUMENT #	DATE	DESCRIPTION
#46-5	06/23/69	Hilda Mollart to George & Beverly Mollart.
#49-230	04/26/68	Domenchina Sciarani to George & Beverly Mollart.
#05511	06/15/70	George & Beverly Mollart to Clarence & Patricia Smith.
#31436	02/10/77	Beverly Mollart Deceased,
#34569	08/11/77	George Binney III to Fred M & Alysmae N. Schultz.
#40623	08/28/78	Fred M. & Alysmae N. Schultz to James D. & Elaine M. Cid
#121317	12/30/88	Elizabeth Mollart to George Mollart,
#121318	12/30/88	George Mollart to Circle Bar-N Ranch, (See Notes in File)
#263953	10/26/00	James D. Cid to Elaine M. Cid
#278228	06/12/02	Elaine M. Cld, a married woman to Elaine M. Cld, a married woman as her sole and separate property and Christina Lynn Roseberry, a married woman as her sole and separate property and christina Lynn Roseberry, a married
#278229	06/12/02	Christofer Roseberry, spouse of the Grantee to Christina I was Doseberry, and the Grantee to Christofer Roseberry, spouse of the Grantee to Christina I was Doseberry.
#307671	11/04/03	Christina Lynn Roseberry, a married woman as her sole and separate property to Elaine M. Cld. a married woman as her sole and separate property to
		WRID 06/30/04

## Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 46 of 271

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

	Madelino Schrow	
( Date: 3/21/05	Signature	
	x madoline Schram	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that y	ou are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 47 of 271

1						
2	IN THE UNITED STATES D FOR THE DISTRICT (	DISTRICT COURT OF NEVADA				
3	UNITED STATES OF AMERICA.	<u>}</u>				
4	Plaintiff.	<b>\</b>				
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125				
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B				
7	vs.	{				
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	<b>)</b>				
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE				
Ll	1. I hereby enter my appearance in this su	b-proceeding in this case.				
.2	<ol> <li>I am filing this document with the Dist</li> </ol>					
13	Chief Deputy Clerk					
14	United States District Court for the District of Nevada					
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501					
16	<ol> <li>In the envelope provided for return of r</li> </ol>	ny Waiver of Service of Notice in Lieu of				
7	Summons. I am mailing a copy of this document to:					
3	Susan L. Schneider Attorney for the United States of Amer	ica				
19	United States Department of Justice Environment & Natural Resources Div					
20	P.O. Box 756 Littleton, Colorado 80160					
21		ting) will retain all defenses or objections				
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect					
	Section in Liquid Summons					
25	hand a stormey to represent					
	me in these proceedings, I identify that attorney below					
26 27	telephone number, and facsimile number:	<del>-</del>				
	terephone number, and tacomine name.					
28		organisms made 1 of 2				
	NOTICE OF APPEARANCE AND INTENT TO PART	ILIPATE, page 1 of 2				

## Case 3:78-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 48 of 271 Attorney: Address:

Phone Number: б 

Madelino Schan

madelino Schram Fax Number: (Signature)

(Entity, if any, on whose behalf you are appearing) (Address) 775-465-9612

(Telephone number)

## Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 49 of 271

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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Date: 3-20-05

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

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# Case 3:73-cy-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 50 of 271

IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE. 6 SUBFILE NO. C-125-B Plaintiff-Intervenor. 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT.

a corporation, et al.,

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- I hereby enter my appearance in this sub-proceeding in this case.
- I am filing this document with the District Court at the following address:

Chief Deputy Clerk
United States District Court for the
District of Nevada
400 South Virginia Street, Suite 301
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu Summons. I am mailing a copy of this document to:

Susan L. Schneider
Attorney for the United States of America
United States Department of Justice
Environment & Natural Resources Division
P.O. Box 756
Littleton, Colorado 80160

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- 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings. I identify that attorney below, along with his or her mailing address telephone number, and facsimile number:

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£ .	Case 3:73	3-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 51 of 271
,	2 3	Address:
	4	•
	6	Phone Number:
	7 8	Fax Number: Dendal Suchert
	9	(Signature)
	10 11	DONALD R. SeubeRT
	12	(Printed or typed Name) Partner
	13 14	Seubert Pamely Lotters
	15	(Entity, if any, on whose behalf you are appearing)  P. O. Bo x 43
	16 17	Smith. 9w. 89430
	18 19	775-465-2319 (Telephone number)
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## Case 3:73-cy-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 52 of 271

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Date: 3-20-05

Signature,

Printed Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: 🚜

(Corporate, Trust, Partnership or other entity)

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9	Attorney for the United States of Americ United States Department of Justice					
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8						

## -cy-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 54 of 271 Attomey: Address: Phone Number: Fax Number: (Signature) (Entity, if any, on whose behalf you are appearing) (Telephone number)

## Case 3:73-cy-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 55 of 271

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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\* Date: April 4, 05

| Signature | DANIEL. P. SHEHADY |
| Printed/Typed Name |
| If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_\_\_ of (Title)
| (Corporate, Trust, Partnership or other entity)

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-cv-00127		Document 6	51 File	ed 05/09/05 Page 57 of 2
	Attorney:			
	Address:			
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	Fax Number:			0 10 //
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				(Signature)
				) o c /
				DANIEL P. SHEHADY (Printed or typed Name)
				(Timed of typed Hame)
				(Entity, if any, on whose
				behalf you are appearing)
			*	PO 271
				Hellington No. 8944 (Address)
				745-465-9187
			7	(Telephone number)
<b>.:</b>				•
	-cy-00127	Attorney:  Address:  Phone Number: Fax Number:	Attorney:  Address:  Phone Number:	Address:  Phone Number: Fax Number:

## Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 58 of 271

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Signature

Signature

TERESA SHEHADY

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

TRUSTEE of

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu o Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has beer brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service 'he Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in u of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with stice of appearance and intent to participate.

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 59 of 271

-					
2	IN THE UNITED STATES D FOR THE DISTRICT O	DISTRICT COURT OF NEVADA			
3	UNITED STATES OF AMERICA.	)			
4	Plaintiff.	)			
5	WALKER RIVER PAILTE TRIBE.	) IN EQUITY NO. C-125			
6		) SUBFILE NO. C-125-B			
7	Plaintiff-Intervenor,	) SUBFILE NO. C-123-B			
8	vs.	) )			
9	WALKER RIVER IRRIGATION DISTRICT, a corporation. et al.,	) )			
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE			
12	I hereby enter my appearance in this sub	p-proceeding in this case.			
12	2. I am filing this document with the District Court at the following address:				
13	Chief Deputy Clerk				
14	United States District Court for the District of Nevada				
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501				
16	3. In the envelope provided for return of m	ny Waiver of Service of Notice in Lieu (			
17	Summons. I am mailing a copy of this document to:				
18	Susan L. Schneider				
19	Attorney for the United States of Ameri United States Department of Justice Environment & Natural Resources Divis				
20	P.O. Box 756				
21	Littleton, Colorado 80160				
22	4. I (or the entity on whose behalf I am act				
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec				
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.				
25	5. If I (or the entity on whose behalf I am acti	ng) have retained an attorney to represen			
26	me in these proceedings, I identify that attorney below	, along with his or her mailing address			
27	telephone number, and facsimile number:				
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Case 3:73	-cy-00127-MMD-WGC Document 6	51 Filed-05/09/05 Page 60 of 271
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3	Address:	
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6	Phone Number:	
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9		(Signature)
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15		(Entity, if any, on whose behalf you are appearing)
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18		(Address) * 1-725-465-2278
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## Case 3:73-cv-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 61 of 271

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

\* Date: April - 4,05

Signature

DONALD

SHEHADY

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

Trustee

of

(Title)

DONALD + TERESA SHEHADY Prus

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu c Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked b a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bea the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider witl office of appearance and intent to participate.

## Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 62 of 271

1		
2	IN THE UNITED STATES FOR THE DISTRICT	DISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	)
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	VS.	) )
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	The house of this sy	h proceeding in this case
12	1. I hereby enter my appearance in this su	
13	2. I am filing this document with the Dist	nct Coun at the following address.
14	Chief Deputy Clerk United States District Court for the	
15	District of Nevada 400 South Virginia Street, Suite 301	
16	Reno, Nevada 89501	
17 .	<ol> <li>In the envelope provided for return of r</li> </ol>	ny Waiver of Service of Notice in Lieu c
	Summons. I am mailing a copy of this document to:	
13	Susan L. Schneider Attorney for the United States of Amer	ica
19	United States Department of Justice	
20	Environment & Natural Resources Div P.O. Box 756	ISIOII
21	Littleton, Colorado 80160	
22		ting) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the cou	urt except for objections based on a defec
24	in the Notice in Lieu of Summons or in the service of	the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am act	ing) have retained an attorney to represen
26	me in these proceedings, I identify that attorney below	w, along with his or her mailing address
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PART	ICIPATE, page 1 of 2

Case 3:73	3-cy-00127-MMD-WGC Document 651 Filed 05/0	9/05 Page 63 of 271
1	Attorney:	
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## Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 64 of 271

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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## Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 65 of 271 Attorney: Address: Phone Number: Fax Number: (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Áddress) (Telephone number)

## Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 66 of 271

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: 4/1/05

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 67 of 271

-		
2	IN THE UNITED STATES I FOR THE DISTRICT	DISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA.	)
4	Plaintiff.	
6	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125
7	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
8	vs.	)
0	WALKER RIVER IRRIGATION DISTRICT, a corporation. et al	)
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11	1. I hereby enter my appearance in this su	b-proceeding in this case.
12	<ol> <li>I am filing this document with the Dist</li> </ol>	rict Court at the following address:
13 14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	<ol> <li>In the envelope provided for return of r</li> </ol>	ny Waiver of Service of Notice in Lieu c
17	Summons. I am mailing a copy of this document to:	
18	Susan L. Schneider Attorney for the United States of Amer	ica
20	United States Department of Justice Environment & Natural Resources Divi	sion
21	P.O. Box 756 Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am ac	ting) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the cou	rt except for objections based on a defec
24	in the Notice in Lieu of Summons or in the service of t	he Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am act	ing) have retained an attorney to represen
25	me in these proceedings. I identify that attorney below	v, along with his or her mailing address
27	telephone number, and facsimile number:	
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3		Address:		
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8				107 C 2012
9				(Signature)
10				Beverly A. Smith
11				(Printed or typed Name) Trustee
12				
13			•	The Wesley A. Smith & Beverly A. Smith Family
14				(Entity, if any, on whose Trust
15				behalf you are appearing)
16				300 Fast walter Rd. Verination, W 89447
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18				775-463-3491
19				(Telephone number)
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## Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 69 of 271

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schneider, attorney for the United States of America

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Date: 4/1/05

Signature

Nesley.

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Trustee

(Title)

Corporate Trust Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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#### Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 70 of 271 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 2 3 UNITED STATES OF AMERICA. 4 Plaintiff. IN EQUITY NO. C-125 5 WALKER RIVER PAILTE TRIBE. SUBFILE NO. C-125-B 6 Plaintiff-Intervenor. 7 vs. 8 WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 I hereby enter my appearance in this sub-proceeding in this case. 11 1. I am filing this document with the District Court at the following address: 12 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno. Nevada 89501 In the envelope provided for return of my Waiver of Service of Notice in Lieu c 16 3. Summons. I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objection: 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings. I identify that attorney below, along with his or her mailing address. telephone number, and facsimile number: 27 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

-	3-cy-00127-MMD-WGC Document 651 Filed_05/09/05 Page 71 of 271
. 2	
3	Address:
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<u> </u>	
. 6	Phone Number:
7	Fax Number:  Wesley a Smith TTE
8	
9	(Signature)
10	Worden A. Smith Truste
11	(Printed or typed Name)
1.2	
13	The westey A Smith and Beverly A. Smith Firmily
14	(Entity, if any, on whose Trust
15	behalf you are appearing)
16	300 East Walter Rd.
17	Yerinton, NV 89447
18	(Address) 775-463-349
19	(Telephone number)
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"" THIS IS AN UNOFFICIAL COPY ""

## Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 72 of 271

APN: 12-361-11 RPTT \$0.00 No. 8a

Mail Tax Statement to: Wesley A. & Beverly A. Smith 16 Almond Drive Yerington, NV 89447 OFFICIAL RECURDS
LYGH COUNTY: NEV.
RECORD REQUESTED BY

WM CAN SENTEN, Egg.
03 AUG 19 AM 10: 45

MARY C. HILLIGAN
COUNTY RECORDER

FET 15 PDEP. OLL

**QUITCLAIM DEED** 

THIS INTENTISTE, made this /9 to day of Buguet, 2003, between WESLEY A. SMITH AND BEVERLY A. SMITH, Husband and Wife, parties of the first part, and WESLEY A. SMITH AND BEVERLY A. SMITH FAMILY TRUST, dated this day written above, the parties of the second part.

#### WINNESSETH:

That the said parties of the first pure conformity with the terms of the aforesaid Declaration of Trust, do by these presents remite, release and forever quitclaim unto the said parties of the second part, their successors and assigns forever, all their right, title and interest in and to the certain lot, piece or parcel of land situate, the County of Lean, State of Nevada, more particularly bounded and described as follows, to wit:

Township 12 N. Range 25 E., M.D.B.&M.

Section 24: SW 1/4 of SE 1/4 Section 25: NW 1/4 of NE 1/4

Per NRS 111.312, the legal description appeared previously in seed 280058 recorded on January 16, 2003, Lyon County Records.

With all water and water rights, ditches and ditch rights, wells and well rights

TOGETHER WITH, all and singular, the tenements, hereditaments and appartenances, including easements and water rights, if any, thereunto belonging or in anyway appertaining, and the reversion and reversions, remainder and remainders, rems issues and profits thereof.

TO HAVE AND TO HOLD the said premises, together with the appurtenances, unto the said parties of the second part and their successors and assigns forever.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hand the day and year first above written.

Page 1 of 2.

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 73 of 271

Wesley & Smith	Deverly A. SMITH
STATE OF NEVADA ) ss.  COUNTY OF LYON  This installment was acknowledged l by Wesley A. Smith and Beverly A. Smith.	, <u>,</u> , , , , , , , , , , , , , , , , ,
100	Joine Shipley Notary Public
After Recording Mail to: William L. Carpenter 215 W. Bridge St., Suite 3 Yerington, NV. 89447	JANICE SHIPLEY Notiny Public - State of Nevenie i-spelineer Recorded in Lyce County litic 85-989-72 - Explane April 29, 2007
	Coppe

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 74 of 271

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/17/25	Signature VEITH H. STAUFFER	
	Printed/Typed Name  If you are acting on behalf of any entity, identify that you ar acting as:  (Title)	e
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu c Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked b a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bea the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in eu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

#### Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 75 of 271 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE. 6 SUBFILE NO. C-125-B Plaintiff-Intervenor. 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu c 3. 17 Summons. I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objection 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defec 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represen 25 me in these proceedings. I identify that attorney below, along with his or her mailing address telephone number, and facsimile number: 28

ase 3:73	GV-00127-MMD-WGC D Attorney:	ocument 651 Filed 05/09/05 Page 76 of 271
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3	Address:	
4		
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6	Phone Number:	
7	Fax Number:	
8		1H Stanffra
9		(Signature)
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11		KUITH H. STAUFFER
12		(Printed or typed Name)
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14		(Entity, if any, on whose
15		behalf you are appearing)
16		7 PINTO DR
17		<u>YURING TON NU 8744</u> (Address)
18		462-2021
19		(Telephone number)
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## Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 77 of 271

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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Date: 3-/7-05

Signature

PATRICIA L. STAUFFER

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_\_\_\_ of (Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 78 of 271

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2	IN THE UNITED STATES DIS FOR THE DISTRICT OF	TRICT COURT NEVADA
3	UNITED STATES OF AMERICA.	
4	Plaintiff.	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	
8	WALKER RIVER IRRIGATION DISTRICT, ) a corporation. et al.,	
10	NOTICE OF APPEARANCE AND INTI	ENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-	proceeding in this case.
12	<ol> <li>I am filing this document with the District</li> </ol>	
13	Chief Deputy Clerk	
14	United States District Court for the	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of my	y Waiver of Service of Notice in Lieu (
17	Summons. I am mailing a copy of this document to:	
13	Susan L. Schneider Attorney for the United States of Americ	<b>c</b> a
20	United States Department of Justice Environment & Natural Resources Divis	
21	P.O. Box 756 Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acti	
23	to the lawsuit or to the jurisdiction or venue of the cour	τ except for objections based on a defec
24	in the Notice in Lieu of Summons or in the service of th	ne Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acti	
26	me in these proceedings. I identify that attorney below	, along with his or her mailing address
27	telephone number, and facsimile number:	
28		_
	NOTICE OF APPEARANCE AND INTENT TO PARTS	ICIPATE, page 1 of 2

Case 3:73	-cy-00127-MMD-WGC Document (	651 Filed 05/09/05 Page 79 of 271
1	Attorney:	
2		
3	Address:	
4	-	
5		
6	Phone Number:	
7	Fax Number:	John S. Stark
8		(Signature)
9		(Digitature)
10		PATRICIA L. STAUFFER
11		(Printed or typed Name)
12		
13		
14		(Entity, if any, on whose
15	·	behalf you are appearing)
16		1 PINTO DR
17		YERINGTON, NY 99447 (Address)
18		775-463-2021
19		(Telephone number)
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## Case 3:73-cy-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 80 of 271

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schneider, attorney for the United States of America

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Jelea M. Shuteward	
Helen M. Sturtevaux	
Printed/Typed Name	
If you are acting on behalf of any entity, identify that	
acting as:	of
(Title)	
(Corporate, Trust, Partnership or other entity)	
	Signature  Helen M. Shurtevaak  Printed/Typed Name  If you are acting on behalf of any entity, identify that yacting as:  (Title)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

# Case 3:78-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 81 of 271

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2	IN THE UNITED STATES DI FOR THE DISTRICT O	ISTRICT COURT F NEVADA
3	UNITED STATES OF AMERICA.	
4	Plaintiff.	
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125
б	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	
10	NOTICE OF APPEARANCE AND INT	TENT TO FARTICIPATE
11	1. I hereby enter my appearance in this sub	p-proceeding in this case.
12	2. I am filing this document with the Distr	
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301	
15	Reno, Nevada 89501	
16	<ol> <li>In the envelope provided for return of n</li> </ol>	ny Waiver of Service of Notice in Lieu of
17	Summons. I am mailing a copy of this document to:	
13	Susan L. Schneider Attorney for the United States of Ameri	ica
19	United States Department of Justice Environment & Natural Resources Divi	
20	P.O. Box 756	
21	Littleton, Colorado 80160	ting) will retain all defenses or objections
22	1]	
23	to the lawsuit or to the jurisdiction or venue of the cou	
24	in the Notice in Lieu of Summons or in the service of	
25	5. If I (or the entity on whose behalf I am act	
26	me in these proceedings, I identify that attorney below	w, along with his or her mailing address,
27	telephone number, and facsimile number:	
28	1	

ase 3:7	3-cy-00127-MMD-WGC	Document 651 Filed-05/09/05 Page 82 of 271
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3	Address:	
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6	Phone Number:	
7	Fax Number:	Selenn, Stuckward
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ģ		(Signature)
10		Helen M. Sturtevant
11		(Printed or typed Name)
12		(4.133.2.2
13		•
14		(Entity, if any, on whose
15		behalf you are appearing)
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17		(Address)
18	<u> </u>	775-465-2152
19		(Telephone number)
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## Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 83 of 271

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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TT 1.	Dama (Swainston)	
Date: <u>JULY 1, 2004</u>	Signature / HARRY W. SWAINSTON	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify the	nat you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1			
2	IN THE UNIT FOR THE	D STATES DISTRICT COURT DISTRICT OF NEVADA	
3	UNITED STATES OF AMERICA,	)	
4	Plaintiff,		
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO.	C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-	125-B
7	vs.	)	
9	WALKER RIVER IRRIGATION DIS a corporation, et al.,	TRICT,	
10	NOTICE OF APPEAR	ANCE AND INTENT TO PARTICIPA	ΤE
11	1. I hereby enter my appe	arance in this sub-proceeding in this case.	
12	2. I am filing this docum	nt with the District Court at the following	; address:
13	Chief Deputy Clerk United States District	Court for the	
15	District of Nevada 400 South Virginia St Reno, Nevada 89501		
16	· ·	ed for return of my Waiver of Service of N	Notice in Lieu of
17	Summons, I am mailing a copy of thi	document to:	
18	Susan L. Schneider Attorney for the Unite	i States of America	
20	United States Departn Environment & Natur P.O. Box 756	ent of Justice I Resources Division	•
21	Littleton, Colorado 80		
22	<b>ii</b>	se behalf I am acting) will retain all defens	
23	to the lawsuit or to the jurisdiction of	venue of the court except for objections b	ased on a defect
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25	1)	se behalf I am acting) have retained an attor	
26	me in these proceedings, I identify t	at attorney below, along with his or her i	mailing address,
27	telephone number, and facsimile nun	ber:	
28			
	NOTICE OF APPEARANCE AND	NTENT TO PARTICIPATE, page 1 of	2

# Case 3: 73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 85 of 271

1	Attorney: HARRY W, SwAINSTO
2	
3	Address: 4040 HOBART RD.
4	Address: 4040 HOBART RD. CARSON CITY, NY 89703
5	
6	Phone Number: (775) 883-2494
7	Fax Number: (775) 883 - 1719 Hanya. Sweinten
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11	HARRY W. SWAINSTON (Printed or typed Name)
12	(Timed of typed Name)
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14	(Entity, if any, on whose
15	behalf you are appearing)
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## Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 86 of 271

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

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Date: filly 3 05!

Date: filly 3 05!

Signature

To h n W 5 wants to n

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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# Case 3 73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 87 of 271

	· <i>†</i>
1	Attomey: Harry W. Swainston
2	$\tau$
3	Address: 4040 Hole bar 1 Rd
4	Address: 4040 Hole bart Rd Carson City 89703
5	
6	Phone Number: 1775 883 2494
7	Fax Number: 883 - 1719
8	John W. Swains ton
9	(Signature)
10	
11	John W. Swainsto
12	(Printed or typed Name)
13	
14	
	(Entity, if any, on whose
15	behalf you are appearing)
16	67 River Rd
1.7	Wellington, Nev 89444
1.8	(Address)
1.9	<u>/- 775 - 465 - 23 49</u> (Telephone number)
	(Terephone number)
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## Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 88 of 271

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 7-29-04	Danny Tallateno Signature	
	Donny Toliaferro Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in L. I Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1		
2	IN THE UNITED STATES DEFINED FOR THE DISTRICT OF	
3	UNITED STATES OF AMERICA,	
4	Plaintiff,	) )
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	) .
8	WALKER RIVER IRRIGATION DISTRICT,	) )
9	a corporation, et al.,	
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11	I hereby enter my appearance in this sub	-proceeding in this case
12	I am filing this document with the Distri	
13	J	et Court at the following address.
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16 17	3. In the envelope provided for return of m	y Waiver of Service of Notice in Lieu of
1.8	Summons, I am mailing a copy of this document to:	
 19 ,	Susan L. Schneider Attorney for the United States of Americ	ca
20	United States Department of Justice Environment & Natural Resources Divis	ion
21	P.O. Box 756 Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am acti	ng) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cour	t except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of th	e Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am actir	ng) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below,	, along with his or her mailing address,
27	telephone number, and facsimile number:	
28		

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

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13	d .	
1	Attorney:	
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3	Address:	
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6	Phone Number:	
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		(Signature)
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16		behalf you are appearing)
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19		(Telephone number)
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22		

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 91 of 271

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 7/29/04 Signature Printed/Typed Name If you are acting on behalf of any entity, identify that you are (Title) (Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

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2		IN THE UNITED STATES I FOR THE DISTRICT	DISTRICT COURT OF NEVADA
3	UNITED S	TATES OF AMERICA,	)
4		Plaintiff,	
5	WALKER	RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.		) -
8	WALKER a corporation	RIVER IRRIGATION DISTRICT, on, et al.,	) ) )
10		NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11			
12	1.	I hereby enter my appearance in this su	
13	2.	I am filing this document with the Dist	met Court at the following address:
14		Chief Deputy Clerk United States District Court for the	
15		District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3.	In the envelope provided for return of	my Waiver of Service of Notice in Lieu of
17 18	Summons.	I am mailing a copy of this document to:	
19		Susan L. Schneider Attorney for the United States of Amer	rica
20		United States Department of Justice Environment & Natural Resources Div	
21	-	P.O. Box 756 Littleton, Colorado 80160	
22	4.		eting) will retain all defenses or objections
23	to the laws:	uit or to the jurisdiction or venue of the co	
24	in the Notic	e in Lieu of Summons or in the service of	the Notice in Lieu of Summons.
25	5.	If I (or the entity on whose behalf I am ac	ting) have retained an attorney to represent
26	me in these	proceedings, I identify that attorney belo	w, along with his or her mailing address,
2 <b>7</b>	telephone n	umber, and facsimile number:	
28			

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 93 of 271

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14		(Entity, if any, on whose
15		behalf you are appearing)
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IO, NV 89504-4638

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	·		
1	3. Attached to	or included with this not	tice is a copy of the (check appropriate box(es)):
2		Deed	
3		Court Order	
4		Other Document	
5	4. The unders	igned acknowledges that	any person or entity who files a Notice of Chang
6	of Ownership of Water R	ight using this form is ul	timately responsible for the accuracy of this filing
7	Consequently, the undersi	gned acknowledges that	any person or entity who files such a notice, but
8	retains such water rights,	shall nevertheless, be bot	and by the results of this litigation
9	DATED: This	day of July, 2004	HAMILTON & McMAHON, CTD.
10			
11			By: Molle Winds
£ 12			THOMAS MIR CZAK, ESQ.
) E 13	,		Attorneys for Defendant LELA TERRY
12) 348-2700 EAX (375) 348-2760	<b>+</b>		
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# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 96 of 271

1	CERTIFICATE OF SERVICE						
2	Pursuant to N.R.C.P. 5(b), I hereby certify that I am an employee of Hamilton & McMahon,						
3	Ltd., and that on the 2nd day of July, 2004, I served a true and correct copy of the foregoing						
4	NOTICE OF CHANGE OF OWNERSHIP OF WATER RIGHT by:						
5	X Depositing for mailing, in a sealed enveloped, U.S. Postage prepaid, at Reno, Nevada						
6	Personal Delivery						
7	Facsimile						
8	Federal Express/Airborne Express/Other Overnight Delivery						
9	Hand Delivery						
10	addressed as follows:						
11	Susan L. Schneider United States Department of justice						
78. 38. 38. 38. 274. 548. 274. 548.	P.O. Box 756 Littleton, CO 80160						
577 CALIFORNIA AVE. T OFFICE BOX 46638 3NO, NV 89504-4638 (775) 348-2745							
7 CALIFO TOFFIC JNO, NV 18-2700 F	DATED this And day of July, 2004						
\$ fs. 15							
16	MARTHA'E. SPRINGMANN						
17	WARTHAE. STRINGWAN						
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# EXHIBIT A

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Plage 98 of 271

# CONTRACT FOR THE SALE OF LAND

THIS AGREEMENT is made on the \_\_\_\_\_ day of April, 2003, by and among LELA S. TERRY, ELVETIA S. MIRCZAK, and ELAINE EISENHAUER, (hereinafter referred to as "Sellers"), and TWIN PROPERTIES, LLC, (hereinafter referred to as "Purchaser").

#### RECITALS

1. Sellers are the owners of the lot or parcel of real property situated in Lyon County, Nevada, and more particularly described in Exhibit "A" attached hereto and made a part hereof.

The real property consists of agricultural acreage abutting Tucker Lane in Yerington, Lyon County, Nevada.

2. Sellers desire to sell and Purchaser desires to buy property for the purchase price and on the terms and conditions set forth below.

IN CONSIDERATION of the mutual and reciprocal promises of the parties, the parties agree:

#### SECTION ONE

## PURCHASE PRICE AND TERMS OF PAYMENT

The purchase price for the property is One Hundred Seventy-Five Thousand Dollars (\$175,000.00), which shall be paid as follows:

- 1. By cash on the signing of this Agreement, receipt of which is acknowledged by Sellers: Forty Thousand Dollars (\$40,000.00);
- 2. By payment in equal monthly installments from May 15, 2003, of One Thousand Two Hundred Dollars (\$1,200.00), or more, including interest, commencing on the 15th day of May, 2003. Interest: Five and Three Quarters percent (5 3/4%) per year;
- 3. Additional cash balloon payment of Ninety Seven Thousand One Hundred Eighteen Dollars and Fifty Cents (\$97,118.50), due on May 15, 2008;
- 4. By Purchaser's payment of all real property taxes due and accruing after April 15, 2003; and
- 5. All payments shall be made payable to the Thomas Mirczak, Esq., Land Trust Account. Any payment received more than fifteen (15) days after the due date (15th day of each month) is subject to a Fifty-One Dollar (\$51.00) late fee.

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#### SECTION TWO

#### TITLE

Title to property to be conveyed by Sellers shall be good and marketable title, clear of all liens, encumbrances, defects, and burdens.

Title as required by this Agreement shall be evidenced by a Quitclaim Deed.

Sellers shall convey title either individually, or through Thomas Mirczak, Esq., on May 15, 2008, providing all payments as described in Section One above have been made by Purchaser and cleared through Sellers' bank.

#### SECTION THREE

#### COSTS

The following costs shall be borne equally by the parties: None.

The following costs shall be paid by the Sellers: None.

The following costs shall be paid by Purchaser:

Recording of this Contract, title insurance, and liability insurance.

The following costs shall be prorated to the date of closing: None.

#### SECTION FOUR

#### **INSURANCE**

Risk of loss or damage to property by fire, storm, burglary, vandalism, or other casualty, and risk of loss to persons, between the date of this Agreement and the transfer of title on May 15, 2008, shall be and is assumed by Purchaser. No such loss or damage shall void this Agreement.

#### SECTION FIVE

## TRANSFER OF PROPERTY

Sellers shall transfer possession and use of the property upon execution of this Agreement.

Property shall be transferred to Purchaser, as provided in this Agreement, "As Is."

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#### SECTION SIX

## TIME OF ESSENCE; CLOSING

Time is expressly declared to be of the essence of this Agreement. The Agreement shall be executed on or before the 15<sup>th</sup> day of April, 2003, or such other date as the parties may in writing agree. Each party shall fully perform all the party's obligations under this Agreement at such times as to insure that the closing and transfer of Title occurs on May 15, 2008.

#### SECTION SEVEN

#### REMEDIES OF PARTIES

- 1. If Purchaser fails or refuses to comply with the conditions assumed by Purchaser, or to perform all of Purchaser's obligations under this Agreement, Sellers may at Sellers' option: (a) hold and retain the initial deposit money and any additional funds paid or deposited by Purchaser, as liquidated damages for breach of this Agreement, and rescind and terminate the Agreement, whereupon all rights and obligations under the Agreement shall cease and determine; or (b) enforce this Agreement by appropriate action, including an action for specific performance, or for damages for breach, and retain all monies paid or deposited by Purchaser pending the determination of the action. Sellers shall give Purchaser written notice of election with respect to Sellers' exercise of either of these options.
- 2. If Sellers fail or refuse to perform Sellers' obligations under this Agreement, including the furnishing of good title and transfer of possession, Purchaser may either: (a) rescind the Agreement and recover all deposits and other amounts paid by Purchaser under this Agreement, and all expenses paid or incurred by Purchaser; or (b) pursue any remedy available to Purchaser, in law or equity, including an action to compel specific performance of this Agreement, or one for damages for breach, separately or alternatively.

#### SECTION EIGHT

#### WATER RIGHTS

The transfer and conveyance of property shall include all Sellers' water rights appurtenant to the herein described real property. Sellers will assist Purchaser to the most reasonable extent possible by executing any necessary documents relating to the sale of water rights in a particular year prior to the transfer of Title.

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#### SECTION NINE

#### **TAXES**

Purchaser shall assume responsibility for payment of all land taxes applicable to the subject property. Purchaser shall record this Contract in Lyon County, Nevada, and shall provide Sellers with a file-stamped copy of said recorded Contract.

#### SECTION TEN

# ASSIGNMENT; MODIFICATION; ENTIRE AGREEMENT OF PARTIES EXPRESSED

No right or interest of Purchaser under this Agreement shall be assigned without the prior written consent of Sellers, which consent shall not be unreasonably withheld.

No modification of this Agreement shall be valid or binding unless such modification is in writing, duly dated and signed by both parties.

This instrument constitutes the entire Agreement between the parties. Neither party shall be bound by any terms, conditions, statements, or representations, oral or written, not contained in this Agreement. Each party acknowledges that in executing this Agreement the party has not been induced, persuaded, or motivated by any promise or representation made by the other party, unless expressly set forth in this Agreement. All previous negotiations, statements, and preliminary instruments by the parties or their representatives are merged in this instrument.

#### SECTION ELEVEN

#### NOTICE

All notice required by this Agreement shall be in writing and shall be served on the parties at their addresses, as indicated below, or on their attorneys at their business addresses. The mailing of a notice by registered or certified mail, return receipt requested, shall serve as sufficient notice. Notices may also be served by personal delivery, by mail-o-gram, telegram, or by the use of a facsimile machine with proof of transmission and a copy of the notice with proof of transmission being sent by regular mail on the date of transmission.

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#### SECTION TWELVE

#### SIGNATURE AND EFFECTIVE DATE

This instrument shall not be effective as an Agreement until duly signed by both parties. The date of execution and the effective date of the Agreement is the date first above set forth. The date of signature by each party is the date set forth unless otherwise indicated after the party's signature.

IN WITNESS OF THE ABOVE, the parties have executed this instrument, in duplicate, on the 15 4 day of Apr.1, 2003.

LELA S. TERRY

(Seller)

ELVETIA S. MIRCZAK

(Seller)

ELAINE EISENHAUER

(Seller)

Address of Sellers:

c/o Thomas Mirczak 2581 Range View Lane Reno, Nevada 89509 JOAN SCIARANI-BLAKE TWIN PROPERTIES, LLC

BARBARA SCIARANI TWIN PROPERTIES, LLC (Member)

Address of Purchaser

c/o Joan Sciarani-Blake 20 North Mountain View Yerington, Nevada 89447 Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 103 of 27

# EXHIBIT A

3

12 TILS NO. 57775

THIS DEAR executed this Such day of Pacember, 1963 by and between PATHLEBIEA SCHARAST, bending the referred to so the grantor, and Elvilla Minoral, Leia Thank And Rathantes Elsewhauer, chara and chare chike, hereinafter referred to no the grantoes, characters, and elsewhauer for and in consideration of the love and effection for the grantoes, the grantor believes and universe the real property situate in the country of Lyon, State of Mevada, more particularly described as follows:

Sterting at the SM corner of Section 11, T. 13 K., H. 25 E., MDMM., and running tence M. 50°C2°47° S., 2077.11 feet; thence M. 27°51°05°E., 1481.85 feet; thence M. 89°53°44°E.,589.59 feet to a point on the north line of the SE1 of Sec. 11 and being the northeast sorner of the Green Acres Subdivision and the true point of beginning; thence from said true point of beginning lat a course east along the north line of the said SE1 of SEc. 11 a distance of 2389.31 feet more or less to the northeast corner of the said SE1; thence 2nd course south along the east line of said SE1 a distance of 660 feet; thence 3rd course west at right angles a distance of 2389.31 feet, more or less, to the east line of the Green Acres Subdivision; thence north along the east line of the Green Acres Subdivision; containing 36.20 acres, more or less.

into the Grantees, their heirs and assigns forever.

TOCETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD with all the appurtenances unto the granices, their heirs and assigns

IN MITNESS WHEREOF, the grantor has hereunto set her hand the day and year first above written.

Domenichina Sciarani

STATE OF NEVIDA

COUNTY OF WASHOE

On this 26th day of December, 1963 personally appeared before me a Notary Public, in and for the above county, DEMENICHINA SCIARANI, known to me to be the person described in and who executed the forago ng instrument, who acknowledged to me that she executed the same freely and voluntarily and for the uses and purposes therein mentioned. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office the day and year first above written.

(Notarial Scal) My commission expires July 18,1969 William C. Sanford, Notary Pathic in and for the County of Washoe, Seate of Nevada

Recorded at request of William C. Banford Dec. 30, 1963 at 25 min. past 9 a.m.

Jas. F. Barton, County Recorder

By Torangent Confere De put

FILE NO. 67803

THIS INDENTURE made this 26th day of December, 1963 between JULIA S. PRAY, MARY KATHRINK ESTES WHO BUTH MARGARST PRAY, parties of the first part, grantors, and JAMES K. JOHNSON AND BLAINS JOHNSON, his wife and MARCO BOSCOVICH AND JEANNE BOSCOVICH, his wife, parties of the second

and

voluntarily and for the

sesn

and purposes therein

mentioned.

executed

the

year IN WITNESS WHENEOF, the parties in this instrument first above written. 0 the first part Francis J. Coddingt Mildred Coddington ha ve hereunto մet their hands,

the

STATE 10 NE VADA

COUNTY OF LYON. th e undersigned

8n this 19th day of January, 1964 personally appeared before me, husband and in and for wife, the both said County-of Lyon, Francis J. Goddington and personally known to me to be the same person described Mildred Coddington, 'n and who

foregoing instrument, who acknowledged to me that they executed the

same,

Nota

commission expires May 1,1965

Walter Whitacre, Notary Public in County of Lyon, State a nd 0 Ne va r l for . E e E E

Recorded at request 0 Francis Goddington Jan. 22, 1964 at 30 min. past N p.m.

Jas. \_F. Barton, County Recorder

Ву

FILE NO. 87970

hereinsiter THIS DEED EXECUTED this referred CO ស មា 20th the day Grantor, of January, 1964 and ELVIZIA MIRCZAK, by and bet ween トディス LENA TERRY AND KATHARINE DOMENICHINA SCIARANI

share and share alike, hereinafter referred to as the Grantees,

hereby forever, the WITNESSETH: grants following and For and conveys unto real. in consideration of property the Grantees, situate the 'n. share love and affection the and County of share Lyon, alike, for the State their Grantees, of Nevada, heirs a nd the a 551 91 GI

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36 20 acres, mee mogeTHER willowood in anywise Go HAVE AND ₩iUh profits appertaining thereof and singular and the the reversion tenements, and hereditaments reversions, remainder and appurtenances and remainders, thereunto R n Welonging **σ** 

and TO assigns HOLD wi th fore ver all the appurtenances, unto the Grantees, share and sha re alike

their heirs as
MMN WITNESS

27-MN WITNESS

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SUTTY OF WAS WHEREOF, the Grantor វាឧទ hereunto set her ha nd the da y and year first abo∀e itten.

Domenichina Sciaraní

SS

ca the personally o<mark>23</mark> this within 20th appeared day instrument, 013 ρ, January, DOMENICHINA OUA 1963, acknowledged SCIARANI, be fore 큥 known c† 0 p 日の Notary ct O राम्च र Пe Public she executed the to Ďе the 'n and person for whose same said freely County na me an d subsc#ibed රය + a ct

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\*AOTHERS SHEREOF\*

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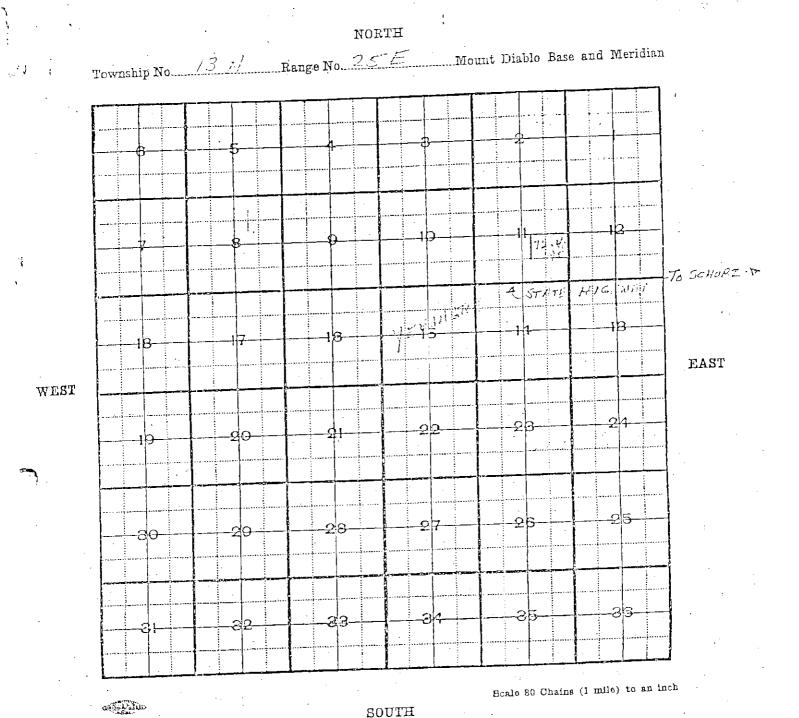
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# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 109 of 27



MRID 06/30/04 Properties, L.L.C.O.D. Page 110 Of 27

Division					WAI	WALKER RIVE! YERING :	LRIVE! 3ATION DISTRICT YERING LOM, NEVADA	STRICT					
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#203640		03/27/97	William N	William M. Weaver, Jr. Rev Parcel Map of Portions of	Jr. Revocable	ocable Trust Agreement. Sec. 22, 8, 27; T 11 N - R 23 E.	int. R 23 E.	. :				:	
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#212988		12/09/97	Boundary	Line Adj	ustment for Wi	lliam M. Weave	r, Jr. & Rosema	ry F. Weaver, 7	Boundary Line Adjustment for William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Trust.	Willam M. W	eaver, Jr. Trust.		Fi
#212989		12/09/97	William N Roseman	I. Weaver / Weaver,	Jr. & Rosema Trustees of th	William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the W. Rosemary Weaver, Trustees of the William Weaver, Jr. Trust (18)	rustees of the V er, Jr. Trust (18	/Illiam M. Wear	ver, Jr. Revocab	ie Trust Agre	William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to William M. Weaver & Rosemary Weaver, Trustees of the William Weaver, Jr. Trust (18).	M. Weaver &	led
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#270026		12/21/01	Weaver Properties LLC to	roperties	LLC to Sean C	. & Denise L. Te	arry, husband a	nd wife as Joir	it Tenants				)5
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# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 111 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-3/-25

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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Sent / copy

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 112 of 27

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA, 4 Plaintiff, 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE, 6 SUBFILE NO. C-125-B Plaintiff-Intervenor, 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 16 3. 17 Summons, I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 4. 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, and facsimile number:

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

28

# Case 3:78-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 113 of 27

1	Attorney:	
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3	Address:	
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6	Phone Number:	
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8		Sun C 2
9		(Signature)
10		
11	•	SEAN C. TERRY
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose
16		behalf you are appearing)
17		
8		(Address)
.9		(Telephone number)
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## Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 114 of 27

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 8/10/4

Signature

\_ KOGER

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_TRUSTFE of

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 116 of 27

1	Attorney:	
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3	Address:	
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6	Phone Number:	
7	Fax Number:	
8		Last Wierselluse
9		(Signature)
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11		ROBERT W. TERSCHIUS
12		(Printed or typed Name) TRUSTER
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14		TERSCHLUSE FAMILY TRUST
15		(Entity, if any, on whose behalf you are appearing)
16		845 GLENMERE WAY
17		<u>LOS ANGGZUZS, CA 900 49</u> (Address)
18	•	(310) 476-2856
20		(Telephone number)
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## Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 117 of 27

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or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu	of
Summons or in the service of the Notice in Lieu of Summons.	

Date: 8-12-04

George N. Benesch

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Attorney for of

(Title)

John and Caroline Thacher

(Corporate, Trust, Partnership or other entity)

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Case 3:	2 IN THE UNITED STATES DEFINE THE DISTRICT O	ISTRICT COURT
	UNITED STATES OF AMERICA.	
	Plaintiff,	
	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125
· · · · · · · · · · · · · · · · · · ·	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
	7 vs.	
	WALKER RIVER IRRIGATION DISTRICT, 9 a corporation, et al.,	
. 1	0 NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE
1.	I hereby enter my appearance in this sub-	avacanding in this case
12	2	
13		ct Court at the following address:
14	Chief Deputy Clerk United States District Court for the	
. 15	District of Nevada	•
	Reno, Nevada 89501	
16 17	3. In the envelope provided for return of my	Waiver of Service of Notice in Lieu of
	Summons. I am mailing a copy of this document to:	
18	Susan L. Schneider	
19	Attorney for the United States of America United States Department of Justice	
20	Environment & Natural Resources Division P.O. Box 756	on
21	13	
22	4. I (or the entity on whose behalf I am actin	g) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the court	except for objections based on a defect
. 24	in the Notice in Lieu of Summons or in the service of the	Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acting	y) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below, a	
27	telephone number, and facsimile number:	•
28		•
	NOTICE OF APPEARANCE AND INTENED TO DARRIED	champ page 1 of 3

### Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 119 of 27 9432 Double R Blvd., Suite B Address: Reno, NV 89521 775-827-3100 Phone Number: 775-827-3020 Fax Number: (Signature) George N. Benesch (Printed or typed Name) John & Caroline Thacher (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

## Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 120 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: <u>Aug 23, 2004</u>

PLEASE NOTE CHANGE

OF ADDRESS

P.O. BOX 1343

VERINGTON, NV 89447

DAWN RAE COOPER

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: <u>TRUSTEE</u> of

(Title)

RACHEL SMITH THOLKE TRUST

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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## Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 121 of 27

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Date: Chilos

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Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_

(Title)

(Corporate, Trust, Partnership or other entity)

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# Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 122 of 27

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

atherine L. Thomas. Date: 7/30/04 Katherine L. Thomas Printed/Typed Name If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_ (Title) (Corporate, Trust, Partnership or other entity)

# Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been tht in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 123 of 27

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose bahalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Summons or in the service of the Nou	Tromas Thomas
Date: 7/30/04_	Signature  YERY Thomas  Printed/Typed Name  If you are acting on behalf of any entity, identify that you are acting as:  (Title)
	(Corporate, Trust, Partnership or other entity)

# Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been the cost of such service unless good cause be shown for its failure to sign and return the waiver. brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in

Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought. An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 124 of 27

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

# Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST me. AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
  - 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
  - 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 6 - 10 - 04

If you are acting on behalf of any entity, identify that you are 

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been the cost of such service unless good cause be shown for its failure to sign and return the waiver. brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in

of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 125 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

# TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date:8/16/04	Signature Don H. Tibbals
	Printed/Typed Name  If you are acting on behalf of any entity, identify that you are acting as: Tibbals Family Trustor
	(Title)
	(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 126 of 27

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 6/7/04

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

# Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 127 of 27

1		
2	IN THE UNITED STATES D FOR THE DISTRICT C	ISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA,	)
4	Plaintiff,	<i>)</i> )
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	)
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11		
12	1. I hereby enter my appearance in this sul	
13	2. I am filing this document with the Distr	act Court at the following address.
14	Chief Deputy Clerk United States District Court for the	
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return of r	ny Waiver of Service of Notice in Lieu of
17	Summons. I am mailing a copy of this document to:	
18	Susan L. Schneider	
19	Attorney for the United States of Amer United States Department of Justice	
20	Environment & Natural Resources Div P.O. Box 756	ISION
21	Littleton, Colorado 80160	
22	<b>[</b>	ting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cou	
24	in the Notice in Lieu of Summons or in the service of	
25	1	ting) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below	w, along with his or her mailing address,
27	telephone number, and facsimile number:	
28		

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 128 of 27 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

# Case 3:73-cv-QQ12270MMPVWEGF POFWERNLES 10Filed Q5/Q9/05 Page 129 of 27

- D: Susan L Schneider, attorney for the United States of America
- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF PPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I say use the same envelope provided for return of the Waiver of Service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: $8$ $20$ , $2004$	Reno Ren Homes Signature
	Laura Jean Tomac Printed Typed Name
	If you are acting on behalf of any entity, identify that you are acting as:  Of  (Title)
	(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the cul States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service as good cause be shown for its failure to sign and return the waiver.

it is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been ight in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed <u>0</u>5/09/05 Page 130 of 27

1	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
3	UNITED STATES OF AMERICA,	)
4	Plaintiff,	)
5	WALKER RIVER PAIUTE TRIBE.	) IN EQUITY NO. C-125-ECR
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
8	V.	) )
9	WALKER RIVER IRRIGATION DISTRICT a corporation, et al.,	) ,) )
11	Defendants.	)
12	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE	
13	1. I hereby enter my appearance in	this sub-proceeding in this case.
] -:	2. I am filing this document with t	he District Court at the following address:
15 16 1 <sup>-</sup>	Chief Deputy Clerk United States District Court for the District of Nevada 400 South Virginia Street, Suite 401 Reno, Nevada 89501	
18	3. In the envelope provided for reti	urn of my Waiver of Service of Notice in Lieu o
] ()	Summons, I am mailing a copy of this documer	nt to:
20	Susan L. Schneider Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division P.O. Box 756	
23	Littleton, Colorado 80160	
24		am acting) will retain all defenses or objection
2.5	to the lawsuit or to the jurisdiction or venue of	
20	in the Notice in Lieu of Summons or in the serv	
-	į	half I am acting) have retained an attorney to
	represent me in these proceedings, I identify th	
1	address relephone number and facsimile number	ar .

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:73 -cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 131 of 27

1	1 Attorney:	
2	2	
3	Address:	
4	4	
5	5	
6	6 Phone Number:	
7	7 Fax Number:	
8	8	Dra Jeatman
9	9	(Signature)
10		
11		Laura Jean Tomac
12	2	(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose behalf you are appearing)
16		39 Panavista Circle
17		yerington NU 83447
18		(Address)
19		725 - 443 - 553 / (Telephone number)
20		
21		
22		
23		
24		
5		
.6		
7		
_ 11	II	

# Case 3:73-cv-00127-MMD1WGG-1090cmpnt-651-Filed 05/99/05 Page 132 of 27

#### ): Susan L Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF \*PPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I have use the same envelope provided for return of the Waiver of Service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: <u>\$\langle\$30</u> ,2004	Signature Signature
	Steven B. Tomac Printed/Typed Name
	If you are acting on behalf of any entity, identify that you are acting as: of (Title)
	(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons of the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the ed states and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service as good cause be shown for its failure to sign and return the waiver.

It is not good cause for a faliane to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been light in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

1				
2		IN THE UNITED STA FOR THE DISTI		
3	UNITED ST	ATES OF AMERICA.	)	
4		Plaintiff,	)	
5	WAIKERR	UVER PAIUTE TRIBE,	)	IN EQUITY NO. C-125
6	WALLER	Plaintiff-Intervenor,	ý	SUBFILE NO. C-125-B
7		r lammin-men venor,	<u> </u>	BODI ED NO. C 125 B
8	VS.	THE TOTAL TION DISTRICT	į (	
9	a corporation	LIVER IRRIGATION DISTRICT, n. et al.,	<i>)</i>	
10		NOTICE OF APPEARANCE A	ND INTENT	TO PARTICIPATE
11	1.	I hereby enter my appearance ir	this sub-proce	eding in this case.
12	2.	I am filing this document with t		
13	_,	Chief Deputy Clerk		•
14		United States District Court for District of Nevada	/	
15		400 South Virginia Street, Suite Reno, Nevada 89501	: 301	
16	3.	In the envelope provided for re	um of my Wai	ver of Service of Notice in Lieu or
17	Summons. I	am mailing a copy of this docume	nt to:	
13		Susan L. Schneider	£ A	
19 20		Attorney for the United States of United States Department of Ju Environment & Natural Resour	stice	
		P.O. Box 756 Littleton, Colorado 80160	J 40 2 7 10.0	
21			•	m defense en ablaccione
22	4.			ill retain all defenses or objections
23				pt for objections based on a defect
24	in the Notice	e in Lieu of Summons or in the ser	vice of the Not	ice in Lieu of Summons.
25	5.	If I (or the entity on whose behalf	I am acting) ha	ve retained an attorney to represent
26	me in these proceedings. I identify that attorney below, along with his or her mailing address.			
27	telephone number, and facsimile number:			
28				
				m mage 1 of 2

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 134 of 27

1	Attorney:	Gordon H. DePaoli, D	Pale E. Ferguson
2	Address:	Woodburn and Wedge	<b>:</b>
3		P.O. Box 2311 Reno, NV 89505	
4			
5	Phone Number	r: 775/688-3000	
6	Fax Number:	775/688-3088	
~	Dated this	day of June, 2004.	
8			Steven B. Vomor
10			(Signature)
11			
12			Steven B. Tomac
13			(Printed or typed name)
14			
15			(Entity, if any, on whose behalf you are appearing)
16			(Entity, if any, on whose behalf you are appearing)
17			
18			Steve Tomac 39 Panavista Circle
19		. 3	(Address) yerington NV 8944)
20			775-463-5531
21			(Telephone number)
22			
23			
24			
25			
26 .			
27			
- 4			I

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 135 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit
or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu o
Summons or in the service of the Notice in Lieu of, Summons.

Date: 8/18/04

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service e Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

## Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 136 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit
or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of
Summons or in the service of the Notice in Lieu of Symmons

Date: 4/1/04

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

## Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 137 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date 12-04

Signature

Dalones V. Tunwer

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 138 of 27

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

	25.04 of Bullinons,
Date: 6-14-04	Signature  Howard D. Turner  Printed/Typed Name  If you are acting on behalf of any entity, identify that you are acting as:  of
	(Title)
	(Corporate, Trust, Partnership or other entity)

# Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a cour: that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

## Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 139 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 7-26-04	Signature JOAN C. TURNER	
	Printed/Typed Name	,
	If you are acting on behalf of any entity, identify that acting as:	you are of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service

Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in

L of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 140 of 27

### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

	ROSS D. Turner	
Date: 7 - 26 - 04	Signature ROSS D. TURNER	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that you	_
	acting as.	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

## Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 141 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: <u>Co//4/04</u>

Signature

Linda Turca

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of 'Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

## Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 142 of 27

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 6/14/04

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: \_Dwur Linda Turrie Trust agreement

(Corporate, Trust, Partnership or other entity)

# Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

## Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 143 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit

or to the jurisdiction or venue of t	the Court except for objections based on a defect in the I	Notice in Lieu of
Summons or in the service of the	Notice in Lieu of Summons.	'
. / / .	Sinda Turrin Har	1/uni
Date: <u>(4/14/04</u>	Signature Linda Turrin Rand	Ly Turria
	Printed/Typed Name	J
	If you are acting on behalf of any entity, ider	tify that you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other ent	rity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of "Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 144 of 27

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 8-3-09

Printed/Typed Name If you are acting on behalf of any ontity, identify that you are

(Corporate, Trust Partnership or other entity)

# Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in

of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought. An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

- 1			
1 2		IN THE UNITED STATE FOR THE DISTRIC	S DISTRICT COURT T OF NEVADA
3	UNI	TED STATES OF AMERICA,	
4		Plaintiff,	) ) IN EQUITY NO. C-125
5	WA	LKER RIVER PAIUTE TRIBE,	SUBFILE NO. C-125-B
6		Plaintiff-Intervenor,	) . 20BLIET Mar a mar
7		vs.	
8	WA	LKER RIVER IRRIGATION DISTRICT, opporation, et al.,	}
9		NOTICE OF APPEARANCE AN	D INTENT TO PARTICIPATE
10	1	<ol> <li>I hereby enter my appearance in t</li> </ol>	
1.7	ll l	1. I hereby enter my appearance in the	e District Court at the following address:
1	3		
	4	Chief Deputy Clerk United States District Court for	
	.5	District of Nevada 400 South Virginia Street, Suite Reno, Nevada 89501	301
3	L6	3. In the envelope provided for ret	urn of my Waiver of Service of Notice in Lieu of
,	17    S	ummons. I am mailing a copy of this docume	nt to:
	18 ∭	Susan L. Schneider	of America
	19	United States Department of Ju Environment & Natural Resource	istice rees Division
	20	P.O. Box 756	
	21		f I am acting) will retain all defenses or objections
	22	de infediction or venue (	of the court except for objections based on
	24	and the si	ervice of the Notice m =
	11	bara beha	If I am acting) have retained an
	26	me in these proceedings, I identify that atto-	mey below, along with his or her mailing address,
	27	telephone number, and facsimile number:	
	28	·	nago 1 of 2
		NOTICE OF APPEARANCE AND INTEN	T TO PARTICIPATE, page 1 of 2

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 146 of 27

- 11	- 1 dept	
1	Attomey:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	Last la with
8	3	10 migra
9	9	(Signature)
10	0	Par A. Snyden
11	1	(Printed or typed Name)
12	2	Twelves tom y lantaged
1.3	3	Tweves land grant Lice
14	4	(Entity, if any, on whose
15	.5	behalf you are appearing)
16	.6	41645 SynasuseST
	17	Rencer CO 60237
		(Address)
1	18	303 220 3630 (Telephone number)
1	19	(Telephone numer)
2	20	
2	21	
2	22	
2	23	
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2	25	
2	26	•
2	27	
	¶	

### Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 147 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
  - 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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  - 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Waiver as to Walker River Painte Tribels Counterclaim only

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

#### Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 148 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Summons of in the soction of any	Ortes a Vande Blake
Date: 8-16-04	Signature Debra A. Vande Brake
	Printed/Typed Name
	If you are acting on behalf of any entity, identify that you are
	acting as: of
	(Title)
	(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

1		
2	IN THE UNITED STATES FOR THE DISTRICT	DISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA,	) .
4	Plaintiff,	)
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	VS.	)
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND	INTENT TO PARTICIPATE
11	<ol> <li>I hereby enter my appearance in this</li> </ol>	sub-proceeding in this case.
12	2. I am filing this document with the D	istrict Court at the following address:
13	Chief Deputy Clerk	
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	3. In the envelope provided for return	of my Waiver of Service of Notice in Lieu of
17	Summons. I am mailing a copy of this document to	:
18	Susan L. Schneider	marian.
19 20	Attorney for the United States of An United States Department of Justice Environment & Natural Resources	
21	P.O. Box 756 Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I an	acting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the	court except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service	of the Notice in Lieu of Summons.
25	ų	acting) have retained an attorney to represent
26	me in these proceedings, I identify that attorney b	elow, along with his or her mailing address,
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO F	articipate, page 1 of 2

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 150 of 27

1	Attomey:	
2		
3	Address:	
4	· -	
5		
6	Phone Number:	
7	Fax Number:	Detra Vande Broke
8		
9		(Signature)
10		Debra Vande Bride
11		(Printed or typed Name)
12		
13		
14		(Entity, if any, on whose
15		behalf you are appearing)
16		
17		(Address)
18		
19		(Telephone number)
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#### Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 151 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 8-8-04

Signature

Signature

Signature

Signature

Signature

Signature

Signature

NAMAE BRAKE

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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1		
2	IN THE UNITED STATES D FOR THE DISTRICT O	ISTRICT COURT OF NEVADA
3	UNITED STATES OF AMERICA,	)
4	Plaintiff,	)
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	) )
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11		
12	<ol> <li>I hereby enter my appearance in this sul</li> </ol>	
13	<ol><li>I am filing this document with the Distr</li></ol>	rict Court at the following address:
14	Chief Deputy Clerk United States District Court for the	
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16 17	<ol> <li>In the envelope provided for return of n</li> </ol>	ny Waiver of Service of Notice in Lieu of
18	Summons, I am mailing a copy of this document to:	
	Susan L. Schneider Attorney for the United States of Ameri	ica
19 20	United States Department of Justice Environment & Natural Resources Divi	+
j	P.O. Box 756 Littleton, Colorado 80160	
21		ting) will retain all defenses or objections
22		
23	to the lawsuit or to the jurisdiction or venue of the cou	
24	in the Notice in Lieu of Summons or in the service of t	
25		ing) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below	v, along with his or her mailing address,
27	telephone number, and facsimile number:	
28		

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

#### Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 153 of 27 Attorney: Address: Phone Number: Fax Number: (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) (Telephone number)

#### Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 154 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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5. I (or the entity on whose behalf I am acting) will retain all defenses or objection	is to the	lawsui	it
or to the jurisdiction or venue of the Court except for objections based on a defect in the N	lotice in	Lieu o	٥f
Surnmons or in the service of the Notice in Lieu of Summons.	_	1	,

Date: 3/17/05

Richard D. U Rue

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

of

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE. б SUBFILE NO. C-125-B Plaintiff-Intervenor, 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summens. I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 4. 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28

#### Case 3: 73-cv-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 156 of 27 Attomey: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) 1.2 1.3 (Entity, if any, on whose behalf you are appearing) (Telephone number)

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: 3-17-2005

Signature

Richard D. Vaughar, Julie M Vaughar,

Signature

Richard D. Vaughar, Julie M Vaughar,

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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1		
2	IN THE UNITED STATES DI FOR THE DISTRICT O	
3	UNITED STATES OF AMERICA,	
4	Plaintiff,	
5	WALKER RIVER PAIUTE TRIBE,	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub	proceeding in this case
12	<ol> <li>I hereby enter my appearance in this sub</li> <li>I am filing this document with the District</li> </ol>	
13	Chief Deputy Clerk	or court at the following address.
14	United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16	·	y Waiver of Service of Notice in Lieu of
17	Summons, I am mailing a copy of this document to:	
18	Susan L. Schneider	
19	Attorney for the United States of Americ United States Department of Justice	
20	Environment & Natural Resources Division P.O. Box 756	sion
21	Littleton, Colorado 80160	
22		ing) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cou	
24	in the Notice in Lieu of Summons or in the service of the	•
25	5. If I (or the entity on whose behalf I am acti	
26	me in these proceedings, I identify that attorney below	, along with his or her mailing address,
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PART	CCIPATE, page 1 of 2

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 159 of 27

1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	••
7	Fax Number:	1 11/1
8		Juliolayha
9		(Signature)
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11		(Printed or typed Name)
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14		(Entity, if any, on whose
15		behalf you are appearing)
16		1184 Hwy 208
17		Yerin Jon NV 89447 (Address)
18		(775) 463-4867
19		(Telephone number)
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#### Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 160 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND ENTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

#### Case 3:73-cv-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 161 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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or to the jurisdiction or venue of the Court except for objections based on a defect in the No	tice in Lieu of
Summons or in the service of the Notice in Lieu of Summons.	
	/

Date: 6-14-04

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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#### Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 162 of 27

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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: //-24-2004

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: \_\_\_\_\_\_\_ of (Title)

(Corporate, Trust, Partnership or other entity)

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#### 3-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 163 of 27 2 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE, IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. 9 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk 14 United States District Court for the District of Nevada 15 400 South Virginia Street, Suite 301 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons. I am mailing a copy of this document to: 13 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice 20 Environment & Natural Resources Division P.O. Box 756 21 Littleton, Colorado 80160 I (or the entity on whose behalf I am acting) will retain all defenses or objections 22 4. to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 5. me in these proceedings. I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

#### Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 164 of 27 Attorney: Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) (Address) 95/-926-6396 (Telephone number) Po 130× 10026 COSTA MESA, CA 92627

#### Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 165 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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	Spice leg & Villa	
Date: <u>//-24-20</u> 04	Signature /	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify th	at you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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#### 3-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 166 of 27 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE, IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7. 8 WALKER RIVER IRRIGATION DISTRICT. 9 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons. I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings. I identify that attorney below, along with his or her mailing address, 26 27 telephone number, and facsimile number: 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

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3	Address:
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6	Phone Number:
7.	Fax Number:
8	Shirtey Willer
9	(Signature)
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12	(Printed or typed Name)
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15	(Entity, if any, on whose
16	behalf you are appearing)
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18	(Address)
19	951-936-6390
20	(Telephone number)  Po Box 1002 C
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#### Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 168 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: 6/8/04	Signature  VIRGINIA Sue VIRDIN  Printed/Typed Name
	If you are acting on behalf of any entity, identify that you are acting as:
	(Title)
-	(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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Date: 6/8/04

Signature

| Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Signature | Sig

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	Ocetoria E. Torhees	
Date: 7-24-04	Signature	
	VICTORIA E VORHIES	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
•	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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Date: 07 - 24 - 2004	Signature  William L. Vormes JR  Printed/Typed Name	
	If you are acting on behalf of any entity, identify that you	ı are
	acting as:	_ of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service. Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

#### Case 3:73-cv-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 172 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 7/27/04

Signature

WAYNE E BENNETT

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Trustee of

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. 9 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 2.0 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 15 400 South Virginia Street, Suite 301 Reno, Nevada 89501 ...6 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 17 Summons. I am mailing a copy of this document to: 18 Susan L. Schneider 19 Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division 2.0 P.O. Box 756 Littleton, Colorado 80160 21 4 I (or the entity on whose behalf I am acting) will retain all defenses or objections 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 24 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 5. 25 If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3: 73-cy-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 174 of 27

1	Attorney:	
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	
8		1. E. Sennett
9		(Signature)
10		
11		WAYNEE BENNETT
12		(Printed or typed Name)
13		
14		WAL Trust
15		(Entity, if any, on whose
16		behalf you are appearing)  1199 Nidrah ST
17		El Caton Ca (Address) 92020
18		
19		(Telephone number)
20		(100
21	-	
22		
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24		
25		
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27		

#### Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 175 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 06/14/2004

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as:

Chairman of

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

#### Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 176 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Printed/Typed Name

If you are acting on behalf of any entity identify that you are acting as: Mensures [as no of

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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1			
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA		
3	UNITED STATES OF AMERICA, )		
4	Plaintiff,	) )	
5	WALKER RIVER PAIUTE TRIBE.	) ) IN EQUITY NO. C-125	
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B	
7		) )	
8	vs. WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )	
	•		
10	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE	
11	1. I hereby enter my appearance in this sub	p-proceeding in this case.	
13	2. I am filing this document with the Distri	ict Court at the following address:	
14	Chief Deputy Clerk United States District Court for the District of Nevada		
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501		
16 17	<ol> <li>In the envelope provided for return of m</li> </ol>	y Waiver of Service of Notice in Lieu of	
18	Summons, I am mailing a copy of this document to:		
19	Susan L. Schneider Attorney for the United States of Americ	ca	
20	United States Department of Justice Environment & Natural Resources Divis	sion	
21	P.O. Box 756 Littleton, Colorado 80160		
22	4. I (or the entity on whose behalf I am acti	ing) will retain all defenses or objections	
23	to the lawsuit or to the jurisdiction or venue of the cour	t except for objections based on a defect	
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.		
25	5. If I (or the entity on whose behalf I am acti	ng) have retained an attorney to represent	
26	me in these proceedings, I identify that attorney below	, along with his or her mailing address,	
27	telephone number, and facsimile number:		
28			

## Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 178 of 27

1	Attorney:
2	
3	Address:
4	
5	
6	Phone Number: 775-788-2000
7	Fax Number: 773-788-2020
8	To Ergin
9	(Signature)
10	
11	Lea P. Bergin
12	(Printed or typed Name)
13	
14	Walker River Landy
15	(Entity, if any, on whose
16	behalf you are appearing)
17	25W NE verde 89505
1.8	(Address)
19	775-788-200
20	(Telephone number)
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25	
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#### Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 179 of 27

OFFICIAL RECORDS LYON COUNTY, NEV. RECORD REQUESTED BY

APN: 12-361-06 RPTT 1/82-50 WESTERN TITLE CO. INC.

04 FEB -5 PM 2: 37

MARY C. WILLIGAN COUNTY BECORDER

WHEN RECORDED MAIL TO:

Name Street

PAUL P SANS **45610 AIRLINE HIGHWAY** 

Address. City, State

KING CITY, CA 93930

Zip

MAIL TAX STATEMENTS TO:

Name Street 政队 P SANS 46610 AIRLINE HIGHWAY

Address City,State

CA 93930

Zip Order

No.

00089482-

7955 UC

(SPACE ABOVE THIS LINE FOR RECORDERS USE)

#### GRANT, BARGAIN AND SALE DEED

THIS INDENTURE WITNESSETH: That

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, DEIRDRE WALLACE, an unmarried woman, do(es) hereby ERAND(s) BARGAIN SELL and CONVEY to PAUL P SANS and SANDRA J. ROBISON SANS, husband and wife as community property and to the heirs and assigns of such Grantee forever, all the following real property situated in the City of N/A, County of Lyon, State of Nevada bounded and described as follows:

TOWNSHIP 12 NORTH, RANGE 25 EAST, M.D.B. & M.

SECTION 26: THE SOUTH 1/2 OF THE SOUTH 1/2 OF NORTHEAST 1/4.

NOTE(NRS 111.312) The above metes and bounds description appeared previously in that certain Quitclaim Deed, recorded in the office of the County Recorder of Lyon County, Nevada on March 21, 2001 as Document No. 258744 of Official Records.

TOGETHER with all tenements, hereditaments and appurtenances, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues or profits thereof. INCLUDING ANY AND ALL WATER RIGHTS TO SUBJECT PROPERTY

Dated: February 2, 2004

#### Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 180 of 27

Grant, Bargain and Sale Deed - Page 2

*Dendu Wallace
DEIRDRE WALLACE
~/ <sub>C</sub>
4/
C
STATE OF NEVADA  SOURTIVE OF Associate  STATE OF NEVADA
This instrument was acknowledged before me on
by DEIRDRE WALLACE
Notary Public
NOTARY PUBLIC STATE OF NEVADA

My Appointment Expires June 14, 2006

Division					WAL	WALKER RIVE	ATION DISTRICT	ISTRICT					
Card #; Name:	44540 Paul P. Sa	44540 Paul P. Sans and Sandra J. Robison Sans	J. Robison	Sans			JN, NEVADA				Index No. Lyon County No.	159	Ca
Address:	45610 Airl King City,	45610 Airline Highway King City, CA 93930									Claim No. User# Ditch	71 2548 Hilbun	s <b>e</b> 3:
Court Decree: (	C-125, P.3	C-125, P.30; Hilbun, James	es S										<b>7</b> 3-
PRIORITY	CF.S.	ACRES	TING	DAYS	ACRE EEET REGUIRED	REQUIRED	ACRE FEET	TOPAZ RES.	BRIDGEPORT RES.	C! AIM #	TOTAL ACRES	40	CV-
1873	090	5.000	3.2076			000		YAVE LEE	AUTOLOGI	7			00
1902	090	5.000	3.2076	34	8078	4.040					- Water Rt. Acres	40	40.04
NEWL		30.000	3.2076	65	1.5444	46.330					Non Wtr Rt. Acres		<b>8</b>
TOTAL	.120	40.000		-		50.370	50.38	00.	50.38				M
											Acre Feet Storage	50.	MAD
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DOCUMENT #		DATE	DESCRIPTION	2	*								ρ
#34-500		01/02/48	State of N	evada to	Asburn C. Ros:	s (Pat).							¢ü
#102972		10/17/86	Katherine	M. Hame	r Deceased to .	John M. Hamer.							iπ
#103556		11/18/86	John M. H	lamer to	John M. & Mary	anna Hamer.							ie
#134327		05/02/00	John & M.	aryanna t	damer to John	& Maryanna Har	ner trust.						nt
#196502	-	08/20/96	John Muri Trustees c	ray & Mar of the Will	yanna Hamer, i Ilam M. Weaver	Trustees of the , r, Jr. Revocable	John Murray H Trust Agreeme	amer & Maryani int dated 10/15/	na Hamer Trust 186.	to William M	John Murray & Maryanna Hamer, Trustees of the John Murray Hamer & Maryanna Hamer Trust to William M. Weaver, Jr. & Rosemary F. Weaver, Trustees of the William M. Weaver, Jr. & Rosemary F. Weaver	semary F. Weav	65
#205111		05/07/97	William M Boardman	. Weaver	William M. Weaver & Rosemary Weaver, Trus Boardman. Wife & Husband as Joint fenants.	feaver, Trustees int tenants	of the William	M. Weaver, Jr.	Revocable Trus	t Agreement	Weaver, Trustees of the William M. Weaver, Jr. Revocable Trust Agreement to Deirdre Wallace & Dennis Joint tenants	e & Dennis	51
#258744		03/21/01	Deirdre W.	allace &	Arthur Dennis E	Boardman to De	irdre Wallace,	an unmarried w	Deirdre Wallace & Arthur Dennis Boardman to Deirdre Wallace, an unmarried woman as her sole and separate property	le and separ	ate property		Fil
#313414		02/05/04	Deirdre W	allace, ar	unmarried wo	man to Paul P.	Sans and Sand	ra J. Robison S	Sans, husband a	ind wife as c	Deirdre Wallace, an unmarried woman to Paul P. Sans and Sandra J. Robison Sans, husband and wife as community property	k	ec
													1.05/09/05
													Page
													181
											WRID	WRID 06/30/04	of 27

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 182 of 27

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: 6/28/04

Signature

JOSEPH A. WARBURTON

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: TRUSTEE

(Title)

WARBURTON FAMILY TRUST

(Corporate, Trust, Partnership or other entity)

# Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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3	1		
2		IN THE UNITED STAT FOR THE DISTRI	ES DISTRICT COURT CT OF NEVADA
3	UNITED	STATES OF AMERICA,	)
4		Plaintiff,	
5		R RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6		Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	vs.	·	) )
9	WALKE	R RIVER IRRIGATION DISTRICT, tion, et al.,	) ) )
10		NOTICE OF APPEARANCE AND	D INTENT TO PARTICIPATE
11	1.	I hereby enter my appearance in th	is sub-proceeding in this case.
12	2.		District Court at the following address:
14		Chief Deputy Clerk United States District Court for the	
15		District of Nevada 400 South Virginia Street, Suite 30	
16		Reno, Nevada 89501	
17	3.		of my Waiver of Service of Notice in Lieu of
1.8	Summor.s.	. I am mailing a copy of this document t	1 54 <b>(2)</b>
19		Susan L. Schneider Attorney for the United States of A	merica P T
20		United States Department of Justice Environment & Natural Resources	Division 1 % "
21		P.O. Box 756 Littleton, Colorado 80160	Division $\omega$
22	4.	I (or the entity on whose behalf I an	acting) will retain all defenses or objections
23	to the laws	uit or to the jurisdiction or venue of the	court except for objections based on a defect
24	in the Notic	ce in Lieu of Summons or in the service	of the Notice in Lieu of Summons.
25	5.	If I (or the entity on whose behalf I am	acting) have retained an attorney to represent
26	me in these	e proceedings, I identify that attorney be	elow, along with his or her mailing address,
27	telephone n	number, and facsimile number:	
28			
	NOTHO	CE OF APPEARANCE AND INTENT TO PA	RTICIDATE page 1 of 2

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 184 of 27

1	Attorney:
2	
3	Address:
4	
5	
- 6	Phone Number:
7	Fax Number:
8	John Calender
9	(Signature)
1.0	
1.1	JOSEPH A. WARBURTON
12	(Printed or typed Name)
13	WARBURTON
14	FAMILY TRUST
1.5	(Entity, if any, on whose
1.6	behalf you are appearing) 20 MOORE IN
1.7	RENO, NV 89509
18	(Address)
19	(775)-825-7814
20	(Telephone number)
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## Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 185 of 27

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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 5/64

ignature S. CC

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

of

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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Case 3	:73-cy-00127-MMD-WGC Document 651 Filed_05/09/05 Page 187 of 27  Attomey: Dele Ferri or or Cuelice
2	woodburn & wage
3	Address: POBOX 23//
4	Address: POBOX 23// Rong NV 89505
5	
6	Phone Number:
7	Fax Number:
8	Fax Number:
9	(Signature)
10	Lauren 5'Cland
11	Lauren J Cland
12	(Printed or typed Name)
13	
14	
15	(Entity, if any, on whose
16	behalf you are appearing)  900 North Point
17	Chocalate 18dg Stad 20
18	(Address)
19	(Telephone number) 98709
20	
21	415-202-8501
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23	
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## Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 188 of 27

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMCNS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

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Date: 15 June 2074	Signaturer Nung Klung seed NUND	<del></del> "
	Whony Klungaret WARD	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify	that you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	_

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

#### Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 189 of 27 1 2 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE, IN EQUITY NO. C-125 6 Plaintiff-Intervenor. SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., 10 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 11 I hereby enter my appearance in this sub-proceeding in this case. 1. I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk 14 United States District Court for the District of Nevada 15 400 South Virginia Street, Suite 301 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 17 Summons. I am mailing a copy of this document to: 13 Susan L. Schneider 19 Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 21 Littleton, Colorado 80160 22 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 24

- in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
- If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, and facsimile number:

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Case 3	73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 190 of 27
7	Attomey: Dele (erguinal)  Coodburn + Cledge
	§
3	Address: PO Box 2311 Reno NV 89505
4	Reno, NV 89505
5	
·- 6	Phone Number:
7	Fax Number:
8	Mary Mhughet Sha
9	(Signature)
10	$h \neq h$
11	Mary Maryane 1 HARD
12	(Printed or typed Name)
13	
14	
15	(Entity, if any, on whose
16	behalf you are appearing)  7214 ClaySt  Saut-various CA 9415
17	Sant-vancisco CA 9415
18	(Address)
19	WS - 92(-490)9 (Telephone number)
20	(Telephone number)
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## Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 191 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-18-05

Signature

DRVID WARK

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in 1 of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

## Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 192 of 27

- 1	an and	.ou
2	IN THE UNITED STATES DI FOR THE DISTRICT O	STRICT COURT F NEVADA
3	UNITED STATES OF AMERICA.	
4	Plaintiff.	
5	WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	vs.	) }
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) )
-0	NOTICE OF APPEARANCE AND INT	TENT TO PARTICIPATE
11	<ol> <li>I hereby enter my appearance in this sub</li> </ol>	o-proceeding in this case.
12	<ol> <li>I am filing this document with the Distr</li> </ol>	ict Court at the following address:
13	Chief Deputy Clerk	
14 15	United States District Court for the District of Nevada 400 South Virginia Street, Suite 301	
16	Reno, Nevada 89501	Waiver of Service of Notice in Lieu
17	3. In the envelope provided for return of r	ny warver or service of
13	Summons, I am mailing a copy of this document to:	
19	Susan L. Schneider Attorney for the United States of Amer	ica
20	United States Department of Justice Environment & Natural Resources Div P.O. Box 756	ision
21	Littleton, Colorado 80160	y t Caran an chiecuic
22	4. I (or the entity on whose behalf I am ac	ting) will retain all defenses of objectic
23	to the lawsuit or to the jurisdiction or venue of the co	urt except for objections based on a den
24	in the Notice in Lieu of Summons or in the service of	the Notice in Lieu of Summons.
25	5. : If I (or the entity on whose behalf I am ac	ting) have retained an attorney to represe
26	me in these proceedings. I identify that attorney belo	w, along with his or her mailing address
27	telephone number, and facsimile number:	
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		mrarpage 1 of 2

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

Case 3:73	-cv-00127-MMD-WGC Docum	ent 651 Filed-05/09/05 Page 193 of 2
2		
3	Address:	
4		
5		
6	Phone Number:	
7	Fax Number:	
8		David Wan
9		(Signature)
10		
11		(Printed or typed Name)
12		(Printed of typed Name)
13		
14		(Entity, if any, on whose
15		behalf you are appearing)
16		1 Farrell LN
17		Yerington, NV 89447 (Address)
18		775-463-4706
19		(Telephone number)
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## Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 194 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the OPDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3/21/05

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in u of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

3 Farrell Lane, Yenington, NV 89447

Exhibit 197

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 195 of 27

2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
ا د	UNITED STATES OF AMERICA.
4	Plaintiff.
5	WALKER RIVER PAIUTE TRIBE, IN EQUITY NO. C-125
6	Plaintiff-Intervenor, SUBFILE NO. C-125-B
7	vs.
8 9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-proceeding in this case.
12	2. I am filing this document with the District Court at the following address:
13	Chief Deputy Clerk
14	United States District Court for the District of Nevada
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu
17	Summons. I am mailing a copy of this document to:
13	Susan L. Schneider
19	Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division
20	P.O. Box 756 Littleton, Colorado 80160
21	I (or the entity on whose behalf I am acting) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe
24	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represer
26	me in these proceedings. I identify that attorney below, along with his or her mailing address
27	telephone number, and facsimile number:
28	
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

i	3-cy-00127-MMD-WGC Attorney:	Document 651 Filed-05/09/05 Page 196 of
1	Audiney.	
2	Address:	
3	Audiess.	
4		· ·
5	Phone Number:	
. 6	Fax Number:	0 1
7	Tax Number	+ John C. Wan
8		(Signature)
9		
10		* John C. Warr
11		(Printed or typed Name)
12		
13		
14		(Entity, if any, on whose
15		behalf you are appearing)  3 Fairell Lane
16		Yering Ton, NV 89447
17		(Address)
18		727-56/-0570 (Talanhana number)
19		(Telephone number)
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## Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 197 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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Date: 6 23-04

Signature

Chester and State

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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## Case 3:73-cy-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 198 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

## TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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	Debi Riwasser	
Date: 8/26/04	Signature Debi L. Wasser	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that you	аге
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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# Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 199 of 27

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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	Cant 2hu J
Date: 8-26-04	Signature ROBERT E. LUASSER JR.
	Printed/Typed Name  If you are acting on behalf of any entity, identify that you are acting as: of (Title)
	(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been right in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service 2 Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in a of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

## Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 200 of 27

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: June 19 201

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Trustee

(Corporate, Trust, Partnership or other entity

## Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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# Case 3:73-cv-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 202 of 27

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1	Attorney:
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3	Address:
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6	Phone Number:
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8	In Weaver
9	(Signature)
10	
11	John Wagvar
12	(Printed or typed Name)
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14	
15	(Entity, if any, on whose behalf you are appearing)
16	59 Rountree Ly
17	Smith NV 89420
18	(Address) (775) 465-2328
19	(Telephone number)
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## Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 203 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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Date: Signature

Signature

Luva K. Meaver

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: trustee of (Title)

(Title)

John Weaver Family (vust

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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.		
2	IN THE UNITED STATES D FOR THE DISTRICT (	
3	UNITED STATES OF AMERICA,	)
4 1	Plaintiff,	)
5	WALKER RIVER PAIUTE TRIBE,	) IN EQUITY NO. C-125
6	Plaintiff-Intervenor,	) SUBFILE NO. C-125-B
7	VS.	)
9	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )
10	NOTICE OF APPEARANCE AND IN	TENT TO PARTICIPATE
11		
12	1. I hereby enter my appearance in this su	
13	2. I am filing this document with the Distr	rict Court at the following address:
14	Chief Deputy Clerk United States District Court for the	
15	District of Nevada 400 South Virginia Street, Suite 301 Reno, Nevada 89501	
16		
17	• •	ny Waiver of Service of Notice in Lieu of
13	Summons, I am mailing a copy of this document to:  Susan L. Schneider	
19	Attorney for the United States of Amer United States Department of Justice	ica
20	Environment & Natural Resources Div P.O. Box 756	ision
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am ac	ting) will retain all defenses or objections
23	to the lawsuit or to the jurisdiction or venue of the cou	art except for objections based on a defect
24	in the Notice in Lieu of Summons or in the service of	the Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am act	ing) have retained an attorney to represent
26	me in these proceedings, I identify that attorney below	v, along with his or her mailing address,
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PART	ICIPATE, page 1 of 2

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 205 of 27

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2		
3	Address:	
4	•	
5		
6	Phone Number:	
7	Fax Number:	
8		Lusa K. Weaver
9		(Signature)
10		
11		Lura K Weaver
12		(Printed or typed Name)
13		
14		
		(Entity, if any, on whose
15		behalf you are appearing)
16		59 Rountree Lane Smith NV 89430
17		(Address)
18		775-465-2328
19		(Telephone number)
20		
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25		
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28		

TOTAL

NEWL

1891 1880

PRIORITY

Address

Division #

Card #: Name: #303643

#30986

#105759

#36-268

Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 207 of 27

**APN:** 10-731-01

WHEN RECORDED RETURN TO: John & Lura Weaver, Trustees 59 Rowntree Lane Smith, NV 89430 O3 SEP -4 PM 2: 59

HARY C. MILLIGAN
COUNTY RECORDER

FEE 6 OFF. TA

GRANTEE-Mail Tax Statements To: John & Lura Weaver, Trustees 59 Rowntree Lane Smith, NV 89430

R.P.T.T. #8(a) = 0

#### DEED

THIS INDENTURE made and entered into this 44 day of 2003, by and between JOHN R. WEAVER and LURA K. WEAVER, husband and wife, party of the first part, and JOHN R. WEAVER and LURA K. WEAVER, as Grantors and Trustees of the JOHN and LURA WEAVER FAMILY TRUST, dated July 28, 2003, party of the second part.

## WITNESSETH:

That the party of the first part, without consideration to them paid by the party of the second part, do by these presents grant, bargain, sell and convey unto the party of the second part, and to its successors and assigns forever, all that certain real property situate in the County of Lyon, State of Nevada, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER with all and singular the tenements, hereditaments and

## Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 208 of 27

appurtenances, including easements and water rights, if any, thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD the said presents, together with the appurtenances, unto the said party of the second part and to its successors and assigns forever.

IN WITNESS WHEREOF, the party of the first part have set their hands the day and year first above written.

HN R. WEAVER

LURA K. WEAVER

STATE OF NEVADA

) ) \$5.

COUNTY OF LYON

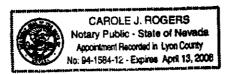
On this 4th day of September 2003, personally appeared before me, a Notary Public, JOHN R. WEAVER and LURA K. WEAVER, personally known to me to be the persons whose names are subscribed to the above instrument who acknowledged that they executed the above instrument.

Notary Public

CAROLE J. ROGERS

Notary Rublic - State of Nevada Apparation Recorded in Jyon County

Not 94-1984-12 - Expires April 19, 2006



## Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 209 of 27

## Excepting therefrom:

All that certain lot, piece or parcel of real property located in the NE 1/4 of Section 5, T. 10 N., R. 24 E., M.D.B.&M., Lyon County, Nevada, described as follows:

Beginning at a point which bears N. 89° 48' 25" W., 1,324.89 feet from the east 1/4 corner of said Section 5. Thence N. 0° 43' 24" W., 670.11 feet, thence S. 89° 48' 25" E., 329 feet, thence S. 0° 43' 42" E., 670.11 feet, thence N. 89° 48' 25" W., 329 feet to the point of beginning.

30986

3( 42

Case 3:73-cv-00127-MMD-WGC Document 651 Filed-09899/05 Page 210 of

APN: 10-731-03

Eura Weaver
03 SEP-4 PM 2:58

WHEN RECORDED RETURN TO: John & Lura Weaver, Trustees 59 Rowntree Lane Smith, NV 89430 MARY C. MILLIBAN COUNTY RECORDER

GRANTEE-Mail Tax Statements To: John & Lura Weaver, Trustees 59 Rowntree Lane Smith, NV 89430

R.P.T.T. #8(a) = 0

#### DEED

THIS INDENTURE made and entered into this 44 day of 2003, by and between JOHN R. WEAVER and LURA K. WEAVER, husband and wife as joint tenants with right of survivorship, party of the first part, and JOHN R. WEAVER and LURA K. WEAVER, as Grantors and Trustees of the JOHN and LURA WEAVER FAMILY TRUST, dated July 28, 2003, party of the second part.

## WITNESSETH:

That the party of the first part, without consideration to them paid by the party of the second part, do by these presents grant, bargain, sell and convey unto the party of the second part, and to its successors and assigns forever, all that certain real property situate in the County of Lyon, State of Nevada, described as follows:

Township 10 North, Range 24 East, M.D.B.&M.

Section 5: The West half (W 1/2) of the Northeast Quarter (NE 1/4)

TOGETHER WITH the water rights appurtenant thereto and the personal

## Case 3:73-cy-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 211 of 27

property located thereon and described in EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER with all and singular the tenements, hereditaments and appurtenances, including easements and water rights, if any, thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD the said presents, together with the appurtenances, unto the said party of the second part and to its successors and assigns forever.

IN WITNESS WHEREOF, the party of the first part have set their hands the day and year first above written.

HM D WEAVER

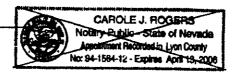
LULA K T. ) CALLED

STATE OF NEVADA

) ss.

COUNTY OF LYON

On this 4th day of Sept., 2003, personally appeared before me, a Notary Public, JOHN R. WEAVER and LURA K. WEAVER, personally known to me to be the persons whose names are subscribed to the above instrument who acknowledged that they executed the above instrument.





## Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 212 of 27

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 8-26-04

Signature

George N. Benesch

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Attorney for of

(Title)

<u>Janet Huggans & Gilbert C. Wedertz</u> (Corporate, Trust, Partnership or other entity)

## Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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#### B-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 213 of 27 **Case 3:7** IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE, 6 SUBFILE NO. C-125-B Plaintiff-Intervenor, 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons. I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 4. 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

	Jt			
Case 3:	73- <u>c</u> y-001	27-MMD-WC Attorney:	George N. Benesch	Filed-05/09/05 Page 214 of 27
2	<u> </u>			
3		Address:	9432 Double R Blv Reno, Nevada 8952	d., Suite B 1
4				
5				
. 6		Phone Number:	775-827-3100	
7		Fax Number:	775-827-3020	
. 8				June 1
9				(Signature)
. 10	and the state of t			
11				George N. Benesch
12				(Printed or typed Name)
13				lanot Huggans
14	A Commenter of the Comm			Janet Huggans Gilbert C. Wedertz
15				(Entity, if any, on whose
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## Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 216 of 27

## Westlaw.

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#### DEATH RECORD

Information Current Through: 04/15/2005

Database Last Updated: 04/18/2005

Updated Frequency:

Weekly

Current Date:

04/20/2005

Source:

Social Security Administration Death Index

Name:

GILBERT WEDERTZ

SSN:

557-52-XXXX

State Where SSN Issued:

CALIFORNIA

Date of Birth:

01/20/1904

Date of Death:

06/1977

Age at Death:

Last Residence:

BURLINGAME, CA 94010

TO ORDER ORIGINAL FILINGS OR OTHER RELATED DOCUMENTS,

CALL WEST DOCUMENT RETRIEVAL AT 1-877-DOC-RETR (1-877-362-7387).

ADDITIONAL CHARGES APPLY.

END OF DOCUMENT

<sup>9 2005</sup> Thomson/West. No Claim to Orig. U.S. Govt. Works.

## Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 217 of 27

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: 13.04

Robert A. Weiser

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: TRISTER

SBR LIVING TRUST

## Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to partic pate.

FFICIAL COPY ***	·—··
se 3:73-cv-00127-MMD-W0	GC Document 651 Filed 05/09/05 Page 218 of 2 313025
	Les et lands the SBICOS
A.P.N. # 012-351-10	1 YOU DESCRIPTION OF THE PARTY
R.P.T.T. \$ 370.50	STEWART TITLE OF DESCRIPTION OF THE STEWART TITLE O
ESCROW NO. 040100203 RECORDING REQUESTED BY:	04 JAN 30 PM 3: 08
STEWART TITLE COMPANY	<b>;</b>
MAIL TAX STATEMENTS TO: SAME AS BELOW	MARY D. MILLIGAN COUNTY RECORDER
	FFE 40 DEP. KK
WHITN BECOMBED MAN TO	Fli _L vii.
WHEN RECORDED MAIL TO: GRANTEE	
P.O. BOX 10026 COSTA MESA, CA 92627	
A Town	(Space Above for Recorder's Use Only)
GRANT, BAR	GAIN, SALE DEED
THIS INDENTURE WITNESSETH: That MIC CHERYL ANN WELLINGTON husba	CHAEL E. WELLINGTON, SR. and and wife
in consideration of \$10.00, the receipt of which is and Convey to ALAN N. VIIIA and S	hereby acknowledged, does hereby Grant, Bargain Sell HIRLEY J. VILLA, husband and
wife, as joint tenants	MIRDEL O. VILLA, Musband and
and to the heirs and assigns of such Grantee foreve	er, all that real property situated in the
SEE EXHIBIT "A" ATTACHED	State of Nevada, bounded and described as: HERETO AND MADE A PART HEREOF
Together with all and singular the tenements, here anywise appertaining, and any reversions, remaind	ditaments and appurtengages therewers but and the state of the state o
DATE: January 26, 2004	
	Corriginal Elo Dete St.
	MICHAEL E. WELLINGTON, SR.
	Hery Carle Illendon
	CHERYLOANN WELLINGTON O
<del>(\)</del>	
TATE OF CIEGOY )	
COUNTY OF LINE	***************************************
his instrument was acknowledged before me on	baylobane K M JORN JORNEY X
	NOTARY PUBLIC-OREGON
The state of the s	COMMISSION NO. 351117  MY COMMISSION EXPIRES OCTOBER 22, 2005 (
ignature 1	
Nothry Public (One thich margin on at	I sides of document for Recorder's Use Only)
Mycennesion	CLTOBER ZZ, LOS

313025

#### Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 219 of 27

#### EXHIBIT "A"

#### LEGAL DESCRIPTION

ESCROW NO.: 040100203

The land referred to herein is situated in the State of Nevada, County of LYON COUNTY, described as follows:

A PARCEL OF LAND ADJOINING THE EAST RIGHT-OF-WAY LINE OF STATE ROUTE 3, AND BEING A PORTION OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 12 NORTH, RANGE 25 EAST, M.D.&M., LYON COUNTY, NEVADA; FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SAID EAST RIGHT-OF-WAY LINE OF STATE ROUTE 3, AND BEING THE SOUTHWEST CORNER OF THIS DESCRIBED PARCEL, FROM WHICH THE SOUTHWEST CORNER OF THE SAID SECTION 24, BEARS SOUTH 0°45'27" WEST, 2268.84 FEET, THENCE ALONG THE SAID RIGHT-OF-WAY LINE NORTH 150.00 FEET; THENCE LEAVING THE SAID RIGHT-OF-WAY LINE SOUTH 82°49' EAST, 292.70 FEET; THENCE SOUTH 150.00 FEET; THENCE NORTH 82°49' WEST, 292.70 FEET TO THE SOUTHWEST CORNER OF THIS PARCEL AND PLACE OF BEGINNING.

REFERENCE IS HEREBY MADE TO THAT CERTAIN PARCEL MAP FILED FOR RECORD IN THE OFFICE OF THE COUNTY RECORDER OF LYON COUNTY ON OCTOBER 11, 1977 AS FILE NO. 34288.

ASSESSOR'S PARCEL NO. 12-351-10

"IN COMPLIANCE WITH NEVADA REVISED STATUTE 111.312, THE HEREIN ABOVE LEGAL DESCRIPTION WAS TAKEN FROM INSTRUMENT RECORDED FEBRUARY 22, 1999, AS FILE NO. 230080, RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, STATE OF NEVADA."

"Together with all water rights, surface or ground, permitted, certificated, adjudicated, or vested, as well as all seeps, springs, and other rights to water, of any nature whatsoever, appurtenant to or historically used on the property."

Case 3:73	B <sub>[CV</sub> -	005	2 <sup>2</sup> 7	-M <b>%</b> /	$\oint$	WG	С	E	Ю	CI	ır	ne	nt	65
Fm 271-A 12-351-10 2147 Hilbun													Wellington	
index No. Lyon County No. Claim No. User # Ditch	TOTAL ACRES	Water Rt. Acres	Non Wir Rt. Acres	Acre Feet Storage		ıs - Wellington							Michael E. Wellington St. & Cheryl Ann Wellington, husband and wife, who acquired title as Cheryl Ann Wellington & Michael E Wallington S.	Michael E. Weilington, Sr. & Cheryl Ann Weilington, husband and wife as Joint Tenants  Michael E. Weilington, Sr. & Cheryl Ann Weilington, husband and wife to Alan N. & Shirley J. Vills. husband and wife se Ioint Tenants
	CLAIM®					6450 - William m card 66201			-				t Tenants. Vl Ann Wellin	nt Tenants . busband an
	BRIDGEPORT RES. ACRE FEET		4.06			Transferred from card #58450 - Williams 03/02/04 - Transferred from card 56201 - Wellington							d title as Cher	nd wife as Joh Shirley J. Villa
STRICT	TOPAZ RES. B	6	30.		COMMENTS:	Transferred 03/02/04 - T						9.	e, who acquired	fon, husband al
RING. C., NEVADA	ACRE FEET APPORTIONED	2.04	2							Herr	rie M Williams	to Chery Ann & Michael & Wallington 6.	husband and wi	Michael E. Weilington, Sr. & Cheryl Ann Weilington, husband and wife as Joint Tenants Michael E. Weilington, Sr. & Cheryl Ann Weilington, husband and wife to Alan N. & Shirley J. Villa, husband
WALKER RIVE YERING	E FEET REQUIRED RE TOTAL	2.080							Svrtle Redfield	n K. Richards & Susan B. Hert	Hart to Harold S. & Dorie M. Williams	ryl Ann & Mich	nn Wellington,	Ington Sr. & Ch.
WALK	ACRE FEET R	20.04							John & Maryanna Hamer to Paul & Myrrite Redfield	d to John K. Ri		Williams to Che	Sr. & Cheryl A	n, Sr. & Cheryl A
	DAYS	w) g)						N. S.	laryanna Ha	Paul & Myrtle Redfield to John	John K. Richards & Susan B.	Harold S. & Doris M. Williams	. Wellington	. Wellingtor
	PUTY	4.2768						DESCRIPTION	John & M	Paul & M	John K. F	Harold S.	Michael E	Michael E
66961 Alan N. & Shirley J. Villa P. O. Box 10026 Costa Mesa, CA 92627	ACRES	1.000						DATE	08/19/77	08/10/88	07/06/89	09/29/87	02/22/99	01/30/04
Aian N. & Shirley P. O. Box 10026 Costa Mesa, CA	0, H.				ij.	1/4, Sec. 24; 5 E.	γ:							
Division Card #: Name: Address: Court Decree:	PRIORITY	NEWI. TOTAL			LEGAL DESCRIPTION:	NW 1/4 of SW 1/4, Sec. 24; T 12 N, R 26 E.	DOCUMENT HISTORY:	DOCUMENT #	#33637	#118131	#125597	#210541	#230080	#313026

## Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 221 of 27

## WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 6/20/04 EARNest Printed/Typed Name If you are acting on behalf of any entity, identify that you are acting as: (Title) (Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

#### Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 222 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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	Sould Com White	
Date: 6/7/04	Signature	
	JULIE AND WHITE	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that you	are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1 2 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk 14 United States District Court for the District of Nevada 1.5 400 South Virginia Street, Suite 301 Reno, Nevada 89501 16 3 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 17 Summons, I am mailing a copy of this document to: 18 Susan L. Schneider 19 Attorney for the United States of America United States Department of Justice 20 Environment & Natural Resources Division P.O. Box 756 21 Littleton, Colorado 80160 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 5. 25 If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, and facsimile number: 27 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

#### Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 224 of 27 Attorney: Address: Phone Number: Fax Number: (Signature) JULIE WHITE (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 6 BORSINI IN. TERINGTON, M 89447 (Address) 775-463-3200 (Telephone number)

#### Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 225 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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Date: 8/16/04

<u> Harold J.DePoali</u>

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are

acting as: Vice President-Client Admin. of

(Title)

The Whitttier Trust Co. of Nevada, Trustee for the

(Corporate, Trust, Partnership or other entity)

George A. L'Abbe Revocable Living Trust Agreement

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE, 6 SUBFILE NO. C-125-B Plaintiff-Intervenor. 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT, a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. i. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summens. I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 2.0 P.O. Box 756 Littleton, Colorado 80160 21. I (or the entity on whose behalf I am acting) will retain all defenses or objections 22 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. If I (or the entity on whose behalf I am acting) have retained an attorney to represent 5. 25 me in these proceedings. I identify that attorney below, along with his or her mailing address, telephone number, and facsimile number: 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

## Case 3 73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 227 of 27

ĺ		
1	Attorney: Sylvia L. Harrison	
2	Michael A.T. Pagni Debbie A. Shosteck	
3	McDONALD CARANO WILSON LLI Address: 100 West Liberty St., 10th	
4	Reno, NV 89501 Mailing Address: P.O. Box 2670	
	Reño, NV 89505	
5	f'	
6	Phone Number: 775-788-2000	
7	Fax Number: 775-788-2020	A
8	-	132
9		(Signature)
10		Harold J. Depoali, V.P. on behalf of the Whittier Trust
11		Company of Nevada, Trustee for George A. L'Abbe Revocable
12	·	Living Trust Agreement
13		
14		
		(Entity, if any, on whose
15		behalf you are appearing)
16		100 W. Liberty St., Suite 890
17		Reno, NV 89501
18		(Address)
		775-686-5400
19		(Telephone number)
20		
21		•
22		
23		
24		
25		
26		
27	[	

## Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 228 of 27

2						
3						
4		•				
5	IN THE UNITED STA	TES DISTRICT COURT				
6	FOR THE DISTRICT OF NEVADA					
7						
8	UNITED STATES OF AMERICA.	) )				
9	Plaintiff,	) In Equity No. C-125-ECR ) Subfile No. C-125-B				
10	WALKER RIVER PAIUTE TRIBE.	) ) NOTICE OF CHANGE OF				
11	Plaintiff-Intervenor,	) OWNERSHIP OF WATER RIGHT				
12	<b>V</b> .	)				
13	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,	) ) )				
14 15	Defendants.	) ) )				
16		· •				
17	The undersigned counter-defendant in the	above action hereby notifies the Court and the				
18	United States that the undersigned (or the entity	on whose behalf the undersigned is acting) has				
19	sold or otherwise conveyed ownership of all or	a portion of a water right within one or more of				
	the categories set forth in Paragraph 3 of the Case Management Order and provides the					
20	following information:					
21						
22	1. The name and address of the party or parties who sold or otherwise conveyed					
23	ownership Bank of America, N. A., Revocable Living Trust A	as Trustee for George A. L'Abbe greement				
24	Nam	ne(s).				
25	P.O. Box 34029					
26	Street or P.O. Box					

28 NOTICE OF CHANGE OF WATER RIGHTS OWNERSHIP, page 1 of 3

## Case 3 73-cv-00127-MMQ-WGC Document 651 Filed 05/09/05 Page 229 of 27

Ì							
2		Town or City		State	ZipCode		
3	2.			ach person or en			
4		Whittier Revocabl	Trust Compa Living Tru	any of Nevada, ust Agreement Name(s)	as Trustee	for George	A.L'Abbe
5		100 West		reet, Suite 89	0		
6		Ren		NV	89501-1954		
7			wn or City	State	ZipCode		
8							
	3.	Attached to o	or included wi	th this notice is a	copy of the (c	check appropr	iate
9	box(es)):						
10		<del></del>	Deed				
11			Court Order				
12			Other Docum	ent			
į	1 1:11						
13	by which the	change in own	•		,		
14	4.	_		edges that any pe			
15	Change of Ov	vnership of Wa	ater Right usir	ng this form is ul	timately respon	nsible for the	ассигасу
15	of this filing.	Consequently	, the undersig	ned acknowledge	es that any pers	son or entity v	vho files
:-							
					•		
15			·				
19	*	This r	otice shall be s	sent to the followi	ng two persons:		
20							
<b>7</b> 1		Linda Lea Sha United States	irer, Chief Dep District Court :	uty Clerk for the District of	Nevada		
21		400 South Vir	ginia Street, Si				
23		Reno, NV 895	01				
23		<u>And</u>				,	
24		Susan L. Schn	eider Department of	Tuction			
		P.O. Box 756	Берагинен от	Justice			
25		Littleton, CC	80160				
25							
27							:
28	NOTICE OF C	HANGE OF WA	TER RIGHTS	OWNERSHIP, pa	ge 2 of 3		

Case	3:73-cv-00127-MMD-WGC Documer such a notice, but retains such water rights, shall never	ot 651 Filed 05/09/05 Page 230 of 27 ertheless, be bound by the results of the 230 of 27
2	litigation.	
3 - 4	Executed this day of house2	00 <u>4</u> .
5 6		
7 8 9		[signature of counter-defendant]
10		[name of counter-defendant]
11 12		The Whittier Trust Company of Nevada, Inc., as Trustee for George A. L'Abbe Revocable Living Trust Agreement
13	[z]	ignature, if applicable, of person acting on behalf of counter-defendant]
14		120/
16		[name, if applicable, of person acting on behalf of counter-defendant]
17		Harold J. Depoali, Vice President for The Whittier Trust Company of Nevada, Inc.,
18		as Trustee for George A. L'Abbe Revocable Living Trust Agreement
19	Attorneys: Sylvia Harrison	100 West Liberty Street, Suite 890 Reno, NV 89501
20	Michael A.T. Pagni Debbie A. Shosteck	[address] 775-686-5400
21	McDONALD CARANO WILSON LLP Address: 100 W. Liberty St.,10th Floor Reno, NV 89501	[telephone number]
23	Mailing Address: P.O. Box 2670 Reno, NV 89505	
24	Phone Number: 775-788-2000 Fax Number: 775-788-2020	
25		
26		
27		
28	NOTICE OF CHANGE OF WATER RIGHTS OWNERSE	HP, page 3 of 3

When recorded, return to:

JAMES W. MINORCHIO

RIDDELL WILLIAMS P.S.

1001 4<sup>TH</sup> AVENUE PLAZA, SUITE 4500

SEATTLE, WA 98154-1065

RPJT # 8

APN 12-471-79

#### QUIT CLAIM DEED

The GRANTOR, BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE, for and in consideration of transfer into trust, conveys and quit-claims to THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE (whose address is: P.O. Box 961, Yerington, Nevada 89447), the following described real estate, situated in the County of Lyon, State of Nevada, together with all after acquired title of the grantor therein:

That portion of the Northeast ¼ of Section 23, Township 11 North, Range 26 East, M.D.B. & M., in the County of Lyon, State of Nevada, being more particularly described as follows:

Beginning at the Section corner common to 13, 14, 23, 24 as shown on Record of Survey No. 223861, thence through the following courses;

- South 01°00'38" East, 1958.07 feet;
- 2. North 88'46'47" West, 2687.84 feet;
- -3. North 00°00'03" West, 638.78 feet;
- 4. North 45°42'44" East, 1852.85 feet;
- 5. South 88°36'59" East, 1326.75 feet to the True Point of Beginning

TOGETHER with the tenements, hereditaments, and appurtenances, including easements, if any, thereto belonging or appertaining, and any reversions, remainders, rents, issues, or profits thereof.

ALSO those certain waters and water rights described in Exhibit "A" attached hereto and incorporated herein by this reference.

SUBJECT, HOWEVER, to those certain Covenants, Conditions, and Restrictions for Walker River Ranch Irrigation Association recorded July 21, 1999, as document No. 236752, Official Records, Lyon County, Nevada.

261936

Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 282 of 27

ALSO SUBJECT TO: Easements, restr	rictions, and reservations of record.
Tax parcel #12-471-74	
Dated _ April 3 2001	- 10-
	By: Marica, N.A., as Trustee  By: Strock, Vice President  By: Marica Trustee  By: Marica Trustee  Debra S. Thomas, AVP
undersigned, a Notary Public in commissioned and sworn, person Debra S. Thomas to me known or public be the Vice-President and Assista AMERICA, N. A., that executed the said instrument to be the free and value of the said instrument to execute the said instrument.	and for the State of Washington, duly nally appeared James E. Strock and roven on the basis of satisfactory evidence to nt Vice President, respectively of BANK OF foregoing instrument, and acknowledged the voluntary act of said bank and that they were ment.
certificate above written.	Pata. Wood  Totary Public in and for the State of
QT. WOOD V	Vashington Residing at

#### EXHIBIT "A"

#### WATER RIGHTS TO BE CONVEYED

THOSE CERTAIN surface water rights from the East Walker River which are appurtenant to the real property described on Page 1 of doc ment ("Property") pursuant to Claim 17 of that certain decree entitled "United States of America, Plaintiff, vs. Walker River Irrigation District, a corporation, et al, Defendants, Case in Equity C-125" consisting of the following:

The right to irrigate 25.5 acres of land with the following priorities:

Priority	Acreage
1867	0.57 acres
1875	1.98 acres
1879	2.55 acres
1885	12.75 acres
1890	3.19 acres
1895	. 4.46 scres
. <del></del>	25.50 acres

 The right to irrigate 34.5 acres of the Property from the East Walker River designated as "NEWLAND" as administered by the Walker River Irrigation District.

The location of the above 60 acres of irrigated land is illustrated in the map attached hereto as Exhibit "A-1".

TOGETHER with a portion of Permit 25017, Certificate 8860 issued to the Walker River Irrigation District for flood and excess waters to the extent it is apportenant to such 60 acres.

THE TOTAL LAND AREA of the Property to be imigated by surface water rights from the East Walker River under portions of Claim 17, "NEWLAND" rights and permit 25017, Certificate 8860 is till acres, more or less.

The total quantity of water is 240 acre feet annually.

TCKETHER-WITH a portion of the supplemental underground water rights under Permit 49274, 49276, 49277 and 49278 consisting of a diversion rate of 0.1149 cfs from each permit and having a total combined annual duty of 240.0 acre feet which are appurtenant to that same 60 acres of the land irrigated from the East Walker River by decreed water rights and NEWLAND water rights above described.

TOGETHER with the right to change the point of diversion and place and manner of use of said water rights.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances there unto belonging or in anywise appertaining, and the reversion and the reversions, remainder and remainders, rents, issues and profits thereof.

EXCLUDING THEREFROM, any and all water and water rights from any and all sources over and above those specifically described above.

261936 OFFICIAL NECORDS LYON COUNTY, NEV.

RIDDELL WILLIAMS
01 JUH-7 PHI2: 16

HARY C. MULIGAN COUNTY RECORDER

FEE 1000 DEP. E.8

### Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 235 of 27

LYON COUNTY, NEV. RECORD REQUESTED BY

APN 12-471-74

When recorded mail to:

Whittier Trust Company of Nevada 100 West Liberty Street, Suite 890 Reno, NV 89501-1954 Attn: Lori Houston 04 AUG -6 PM 1:58

HARY C. MILLIGAN COURTY RECORDER

FEE \_\_\_\_\_ DEP. \_\_\_\_

Not Compared with County Recorder

327831

#### **DEED OF CORRECTION**

WHEREAS, on April 3, 2001, BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE, Grantor, executed a Quitclaim Deed to THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE, Grantee; and

WHEREAS, said Quitclaim Deed was recorded June 7, 2001, as Document No. 261936, Official Records of Lyon County, Nevada; and

WHEREAS, through inadvertence the Grantor was incorrectly listed as BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE, when it should have been BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE REVOCABLE LIVING TRUST AGREEMENT; and

WHEREAS, through inadvertence the Grantee was incorrectly listed as THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE, when it should have been THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE REVOCABLE LIVING TRUST; and

WHEREAS, to prevent difficulties hereafter, it is expedient to correct this error.

IT IS HEREINAFTER ACKNOWLEDGED AND AGREED:

THIS INDENTURE is made and entered into this \_\_\_\_\_ day of \_\_\_\_, 2004, by and between BANK OF AMERICA, N.A., as Trustee for GEORGE A. L'ABBE REVOCABLE LIVING TRUST AGREEMENT, Grantor, and THE WHITTIER TRUST COMPANY OF NEVADA, as Trustee for GEORGE A. L'ABBE REVOCABLE LIVING TRUST AGREEMENT, Grantee,

#### WITNESSETH:

That the Grantor, in consideration of the premises and of One Dollar (\$1.00) to them paid by the Grantee, hereby remise, release and forever quitclaim

#### Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 236 of 27

unto the Grantee, its successors and assigns forever, all the right, title, estate, interest, claim and demand, both at law and in equity, as well in possession as in expectancy of the Grantor, of, in and to all that certain real property situate in the County of Lyon, State of Nevada, being Assessor's Parcel No. 12-471-74, and more particularly described as follows:

That portion of the Northeast ¼ of Section 23, Township 11 North, Range 26 East, M.D.B.&M., in the County of Lyon, State of Nevada, being more particularly described as follows:

Beginning at the Section corner common to 13, 14, 23, 24 as shown on Record of Survey No. 223861, thence through the following courses:

- 1. South 01°00'38 East, 1958.07 feet;
- 2. North 88°46'47" West, 2687.84 feet;
- 3. North 00°00'03" West, 638.78 feet;
- 4. North 45°42'44" East, 1852.85 feet;
- 5. South 88°36'59" East, 1326.75 feet to the True Point of Beginning.

ALSO those certain waters and water rights described in Exhibit "A" attached hereto and incorporated herein by this reference.

SUBJECT, HOWEVER, to those certain Covenants, Conditions, and Restrictions fro Walker River Ranch Irrigation Association recorded July 21, 1999, as Document No. 236752, Official Records, Lyon County, Nevada.

ALSO SUBJECT TO: Easements, restrictions, and reservations of record.

TOGETHER WITH, all and singular, the tenements, the hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises together with the appurtenances, unto the Grantee, its successors and assigns forever.

#### Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 237 of 27

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed the day and year first above written.

> BANK OF AMERICA, N.A., as Trustee for George A. L'Abbe Revocable Living Trust Agreement

STATE OF WASHINGTON : SS. COUNTY OF KING

On this 4th day of Augus t, 2004, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared JOHN T. MARGESON and DEBRA S. THOMAS, to me known or proven on the basis of satisfactory evidence to each be a Vice President of BANK OF AMERICA, N.A., as Trustee for George A. L'Abbe Revocable Living Trust Agreement; that they executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act of said bank and that they were authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

Yata. Wood

Notary Public in and for the State of

Washington

Residing at \_ Everett,

Name Printed PAT A. WOOD

My appointment expires: 5

138699.1(#8208-2)\DS.dgo

#### **EXHIBIT "A"**

#### WATER RIGHTS TO BE CONVEYED

THOSE CERTAIN surface water rights from the East Walker River which are appurtenant to the real property described on Page 1 of document ("Property") pursuant to Claim 17 of that certain decree entitled "United States of America, Plaintiff, vs. Walker River Irrigation District, a corporation, et al, Defendants, Case in Equity C-125" consisting of the following:

1. The right to irrigate 25.5 acres of land with the following priorities:

6 --- 1

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1867	0.57 acres
1875	1.98 acres
1879	2.55 acres
1885	12.75 acres
1890	3.19 acres
1895	4.46 acres
	25.50 acres

2. The right to irrigate 34.5 acres of the Property from the East Walker River designated as "NEWLAND" as administered by the Walker River Irrigation District.

The location of the above 60 acres of irrigated land is illustrated in the map attached hereto as Exhibit "A-1".

TOGETHER with a portion of Permit 25017, Certificate 8860 issued to the Walker River Irrigation District for flood and excess waters to the extent it is appurtenant to such acres.

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The total quantity of water is 240 acre feet annually.

TOGETHER WITH a portion of the supplemental underground water rights under Permit 49274, 49276, 49277 and 49278 consisting of a diversion rate of 0.1149 cfs from each permit and having a total combined annual duty of 240.0 acre feet which are appurtenant to that same 60 acres of the land irrigated from the East Walker River by decreed water rights and NEWLAND water rights above described.

TOGETHER WITH the right to change the point of diversion and place and manner of use of said water rights.

TOGETHER WITH, all and singular, the tenements, hereditaments and appurtenances there unto belonging or in anywise appertaining, and the reversion and the reversions, remainder and remainders, rents, issues and profits thereof.

EXCLUDING THEREFROM, any and all water and water rights from any and all sources over and above the specifically described above.

### Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 239 of 27

## MCDONALD·CARANO·WILSON

Debbie A. Shosteck, Esq. dshosteck@mcdonaldcarano.com

Reply to: Reno

August 16, 2004

Susan L. Schneider Attorney for the United States of America United States Department of Justice Environment & Natural Resources Division P.O. Box 756 Littleton, Colorado 80160

> Re: Walker River litigation (In Equity No. C-125, Subfile No. C-125-B)—Whittier Trust Company of Nevada on behalf of the George A. L'Abbe Revocable Living Trust Agreement

Dear Ms. Schneider:

Enclosed you will find copies of the (1) Waiver of Service of Notice in Lieu of Summons; (2) Notice of Appearance and Intent to Participate; and (3) Notice of Change of Ownership of Water Right in the above entitle matter. We will be representing the Whittier Trust Company of Nevada, Trustee for the George A. L'Abbe Revocable Living Trust Agreement, in the Walker River litigation. It is my understanding that Mr. L'Abbe has already sent to you a Waiver of Service of Notice in Lieu of Summons. Because the property to which the water rights at issue are appurtenant is owned by the Whittier Trust Company as Trustee for the George A. L'Abbe Revocable Living Trust Agreement, Mr. L'Abbe did not have legal authority to sign the waiver. Accordingly, I have provided another waiver signed by Harold J. DePaoli, Vice President-Client Administrator of the Whittier Trust Company of Nevada.

In addition, when Bank of America, N.A. originally conveyed the pertinent parcel to the Whittier Trust Company of Nevada, the quitclaim deed did not correctly indicate that each entity acted as Trustee for the George A. L'Abbe Revocable Living Trust Agreement. We have since recorded a correction deed with the Lyon County Recorder's Office to rectify this error, a copy of which is attached to the Notice of Change of Ownership.



#### Case 3:73-cv-00127-MMD-WGC Document 651 Filed-05/09/05 Page 240 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND ENTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 7-1-04	Signature Hice S. Wiggins	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that yo	ou are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with

a notice of appearance and intent to participate.

1 2 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125 6 Plaintiff-Intervenor, SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. Э a corporation, et al., 10 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk 14 United States District Court for the District of Nevada 15 400 South Virginia Street, Suite 301 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 17 Summoris, I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice 20 Environment & Natural Resources Division P.O. Box 756 21 Littleton, Colorado 80160 22 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 27 28 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

#### Case 3: 73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 242 of 27 Attorney: HARRY W. Swainston Address: 4040 Hobart Road CARSON City, NV 89703 Phone Number: 775- 883-2494 Fax Number: 775-883-1719 (Signature) (Entity, if any, on whose behalf you are appearing)

2.5

#### Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 243 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
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Date: <u>L-26-04</u>

Signature

<u>ROBERT WILENS</u>

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: <u>TRUSTEE</u> of

(Title)

<u>THE WILENS FAMILY TRUST</u>

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

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# Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 245 of 27

1	Attorney:	
2		
3	Address:	
4	·	
5		
6	Phone Number:	
7	Fax Number:	
8		Robert Wilens
9		(Signature)
10		
11		ROBERT WILENS
12		(Printed or typed Name) TRUSTEE
13		
1.4		THE WILENS FAMILY TRUST
15		(Entity, if any, on whose
16		behalf you are appearing)
		11 NORDYKE ROAD
17		<u>YERINGTON, NV 89447</u> (Address)
18		775 463-3560
19		(Telephone number)
20		
21		
22		
23		
24		
25		
26		
27		

#### Case 3:73-cy-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 246 of 27

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Date: 6/22/04	Signature 1 Williams	
	Tour L. Willeyms Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:(Title)	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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1	
2	FOR THE DISTRICT OF NEVADA
3	UNITED STATES OF AMERICA,
4	Plaintiff,
5	WALKER RIVER PAIUTE TRIBE, ) IN EQUITY NO. C-125
6	Plaintiff-Intervenor, ) SUBFILE NO. C-125-B
7	YS. )
8	WALKER RIVER IRRIGATION DISTRICT.
9	a corporation, et al.,
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-proceeding in this case.
12	2. I am filing this document with the District Court at the following address:
13	Chief Deputy Clerk
14	United States District Court for the District of Nevada
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501
16 17	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of
1.8	Summons, I am mailing a copy of this document to:
. 9	Susan L. Schneider Attorney for the United States of America
2 0	United States Department of Justice Environment & Natural Resources Division
21	P.O. Box 756 Littleton, Colorado 80160
2	4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
3	to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
4	in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.
5	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent
6	me in these proceedings, I identify that attorney below, along with his or her mailing address,
7	telephone number, and facsimile number:
8	
	NOTICE OF ADDRESS OF THE TAXABLE OF TAXABL

#### Case 3: 73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 248 of 27 Attorney: Address: Phone Number: Fax Number: William (Signature) JOHN L. WILLIAMS (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 25 E, PURSEL LIN. YEKINGTON NV 89447 (Address) 775-463-4648 (Telephone number)

## Case 3:73-cy-00127-MMD-WGC Document 651 Files 05/09/05 Page 249 of 27

LYON COUNTY, NEV. RECORD REQUESTED BY

NORTHERN NEVADA TITLE CO.

03 NOV -4 PM 3:41

Kim K. Cox

A.P.N. 04-401-04

Escrow No.: LY-302849-DA RPTT: \$81.90, based on full value

RECORDING REQUESTED BY: Northern Nevada Title Company

MAIL TAX STATEMENTS AND WHEN

P.O. Box 234

Yerington, NV 89447

RECORDED, MAIL TO:

THIS SPACE FOR RECORDER'S USE ONLY

TRANT, BARGAIN, SALE DEED

That Bruce W. Stephenson, Successor Trustee of the Williams Revocable Living Trust dated March 2, 1989, amended and restated June 18, 2002 and further amended December 31, 2002 in consideration of \$10.00 Dollars, the receipt of which is hereby acknowledged, dollars, the receipt of an Unmarried Woman and Gene G. Zieman, an Unmarried Ways Joint Tenants with Right of Survivorship all that real property in the County of Lyon, State of Nevada, bounded and described as follows:

Lot 10 as shown on the map for WALKER RIVER RANCH, recorded in the Official Records of Lyon County, Nevada on June 5, 1972 as Document No. 10568. 🐓 🕰

TOGETHER WITH ALL WATER AND WATER RIGHTS APPURTENANTS TO THE HEREIN DESCRIBED PROPERTY.

Together with all singular the tenements, hereditaments and appurtenances thereunto appertaining.

Dated: October 29, 2003

Williams Revocable Living Trust dated March 2, 1989, amended and restated June 18, 2002 and further amended December 31, 2002

Bruce W. Stephenson,

## 'Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 250 of 27

STATE OF California )
COUNTY OF Placer)
On November 3 2003 personally appeared before me, a Notary Public, Bruce W. Stephenson, Successor Trustee who acknowledged that he executed the above instrument.
Signature White Mall At
(Notary Public)  CAROLYN M. ALBRIGHT Comm. # 1356448 HOTARY PUBLIC -CALFORNIA Placer County My Comm. Expires May 13, 2004
4/

ocument 5651 Filed 05/09/05 Page 251 of 27

ATION DISTRICT YERING ION, NEVADA WALKER RIVE!

Kim K. Cox and Gene G. Zleman

10799

Card #: Name:

Division #

Yerington, NV 89447 P. O. Box 234

Address:

Index No. Claim No.

Lyon County No.

464 Lee Sanders 4-401-04 Fm 375 User# Ditch

Case 3:73-cv-

Non Wtr Rt. Acres Water Rt. Acres TOTAL ACRES \* MIY

-00g 27-M& D

Acre Feet Storage

					4			
-				4444	ACOP CCCT	TODAZRES	TOPATRES BRIDGEPORT RES.	
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01/05/04 - Transferred from card #56500 - Williams Trust COMMENTS

Lot No. 10, Walker River Ranch Subdivision

LEGAL DESCRIPTION

DOCUMENT HISTORY:		
DOCUMENT #	DATE	DESCRIPTION
#23986,24190, #26534	06/10/76	From the Walker River Ranch to Cartiledge.
#33407	08/06/77	Lot #8 to L.E. & V.L. Hoselton.
#35323	12/09/79	A.E. Catelidge to J. & E. Williams, Lots #9 & 10.
#54176	08/60/20	J. & E. Williams to D. & R. Pelayo, Lot #9.
#123298	04/03/89	Jack H. & Evangeline A. Williams, husband and wife to Jack H. & Evangeline A. Williams, i Justes iof the Williams, husband and market and restated 6/18/02 and furt
#307696	11/04/03	Bruce W. Stephenson, Successor Trustee of the Williams Revocable Living Trust dated 3,129, amends with rights of survivorship 12/31/02 to Kim K. Cox, an unmarried woman and Gene G. Zieman, an unmarried man as Joint Tenants with rights of survivorship
	Т	

WRID 06/30/04

## Case 3:73-cy-00127-MMD-WGC Document 651 Filed-05/09/05 Page 252 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: Jul 12, 2004	Signature  Michael (Williford)  Printed/Typed Name  If you are acting on behalf of any entity, identify that acting as:  (Title)	you are
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in

L Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

## Case 3:73-cv-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 253 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: June 09, 2004	Signature Signature	
	VIRGINIA M. WILLIFORD	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify that	you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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## Case 3:73-cy-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 254 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: 7-/7-04

Signature

Candyce Wipfli

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

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1	
2	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
3	UNITED STATES OF AMERICA,
4	Plaintiff,
5	WALKER RIVER PAIUTE TRIBE,   IN EQUITY NO. C-125
6	Plaintiff-Intervenor, SUBFILE NO. C-125-B
7	vs.
8	WALKER RIVER IRRIGATION DISTRICT, a corporation, et al.,
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE
11	1. I hereby enter my appearance in this sub-proceeding in this case.
12	2. I am filing this document with the District Court at the following address:
13	Chief Deputy Clerk United States District Court for the
14	District of Nevada 400 South Virginia Street, Suite 301
15	Reno, Nevada 89501
16	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of
17	Summons, I am mailing a copy of this document to
18	Susan L. Schneider  Attorney for the United States of America
19	United States Department of Justice
20	P.O. Box 756 Littleton, Colorado 80160
2	Lor the entity on whose behalf I am acting) will retain all defenses or objections
2	the inviction or venue of the court except for objections based on a defect
2	to the lawsuit of to the jurisdiction of the lawsuit of to the jurisdiction of the lawsuit of to the jurisdiction of the lawsuit of the lawsuit of the jurisdiction of the lawsuit of the lawsuit of the jurisdiction of the lawsuit of the lawsuit of the jurisdiction of the lawsuit of the lawsuit of the jurisdiction of the lawsuit of the lawsuit of the jurisdiction of the lawsuit of the lawsuit of the jurisdiction of the lawsuit of the lawsu
2	ISI (ar the entity on whose behalf I am acting) have retained an attorney to represen
2	is a second result identify that attorney below, along with his or her mailing address
	1 and facsimile number:
2	8 TO PARTICIPATE, page 1 of 2
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed\_05/09/05 Page 256 of 27

1	Attorney:	
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6	Phone Number:	
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9	•	(Signature)
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11		(Printed or typed Name)
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13		
1.4		(Entity, if any, on whose
15		behalf you are appearing)
16		P.O. Box 79
17		Wellington N 89444 (Address)
18		775- 465-2107
19		(Telephone number)
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## Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 257 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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7/17/04	Your Westle	
Date: 7/17/04	Signature Tom WIPFLI	
	Printed/Typed Name	
	If you are acting on behalf of any entity, identify th	at you are
	acting as:	of
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 WALKER RIVER PAIUTE TRIBE, IN EQUITY NO. C-125 6 Plaintiff-Intervenor, SUBFILE NO. C-125-B 7 VS. 8 WALKER RIVER IRRIGATION DISTRICT. 9 a corporation, et al., NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 1. I hereby enter my appearance in this sub-proceeding in this case. 12 2. I am filing this document with the District Court at the following address: 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of 17 Summons. I am mailing a copy of this document to: 1.8 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 22 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect 23 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. 24 25 If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, 26 telephone number, and facsimile number: 2.8 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2

# Case 3: 73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 259 of 27

1	Attorney:	
2		
3	Address:	
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6	Phone Number: 775 46	5 2107
7	Fax Number:	
8		Som Wyste.
9		(Signature)
10		
11		JOM NIPFLI
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose
16		behalf you are appearing)  Pox 79
17		Wellington, NV 89444
18		(Address) 775 - 465 - 2107
19		(Telephone number)
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## Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 260 of 27

#### WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: Nation T. WRIGHT

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

Of Title)

WRIGHT TRUST.

(Corporate Trust Portposchie or other certify)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF NEVADA 3 UNITED STATES OF AMERICA. 4 Plaintiff. 5 IN EQUITY NO. C-125 WALKER RIVER PAIUTE TRIBE. 6 SUBFILE NO. C-125-B Plaintiff-Intervenor. 7 ٧s. 8 WALKER RIVER IRRIGATION DISTRICT. a corporation, et al., 9 NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE 10 11 I hereby enter my appearance in this sub-proceeding in this case. 1. 12 I am filing this document with the District Court at the following address: 2. 13 Chief Deputy Clerk United States District Court for the 14 District of Nevada 400 South Virginia Street, Suite 301 15 Reno, Nevada 89501 16 In the envelope provided for return of my Waiver of Service of Notice in Lieu of 3. 17 Summons. I am mailing a copy of this document to: 18 Susan L. Schneider Attorney for the United States of America 19 United States Department of Justice Environment & Natural Resources Division 20 P.O. Box 756 Littleton, Colorado 80160 21 I (or the entity on whose behalf I am acting) will retain all defenses or objections 22 4. to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons. If I (or the entity on whose behalf I am acting) have retained an attorney to represent 25 me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, and facsimile number: 28

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 262 of 27

1	Attomey:	
2		
3	Address:	
4		
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6	Phone Number:	
7	Fax Number:	```
8		nadia T. Wright
9		(Signature)
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11		NADIA T. WRIGHT
12		(Printed or typed Name)
13		
14		
15		(Entity, if any, on whose
16		behalf you are appearing)  73 RWWS (d
17		Willington NV 89444
18		(Address) 0 775 465 3372
19		(Telephone number)
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27		

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 263 of 27 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

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Date: 3.29.05	Signature SANDRA Wright	
	Printed/Typed Name  If you are acting on behalf of any entity, identify the acting as:	nat you are
	(Title)	
	(Corporate, Trust, Partnership or other entity)	

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# Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 264 of 27

-	<b>-</b> }}	
	IN THE UNITED STATES DEFOR THE DISTRICT O	ISTRICT COURT F NEVADA
3	UNITED STATES OF AMERICA.	
4	Plaintiff.	) }
5	5 WALKER RIVER PAIUTE TRIBE.	IN EQUITY NO. C-125
6	6 Plaintiff-Intervenor,	SUBFILE NO. C-125-B
7	7	
8 9	WALKER RIVER IRRIGATION DISTRICT, )	
10	NOTICE OF APPEARANCE AND INT	ENT TO PARTICIPATE
11		ti in aliin nana
12	1. I hereby enter my appearance in this sub-	•
13	2. I am filing this document with the Distric	et Court at the following address:
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15		
16	Reno, Nevada 89501	
17		Waiver of Service of Notice in Lieu
13	Summons. I am mailing a copy of this document to:	
19	Susan L. Schneider Attorney for the United States of America	1
20	United States Department of Justice Environment & Natural Resources Division P.O. Box 756	on
21	Littleton, Colorado 80160	
22	4. I (or the entity on whose behalf I am actin	g) will retain all defenses or objection
23	to the lawsuit or to the jurisdiction or venue of the court	except for objections based on a defe
24	in the Notice in Lieu of Summons or in the service of the	Notice in Lieu of Summons.
25	5. If I (or the entity on whose behalf I am acting	g) have retained an attorney to represe:
26	me in these proceedings, I identify that attorney below,	along with his or her mailing address
27	telephone number, and facsimile number:	
28		
	NOTICE OF APPEARANCE AND INTENT TO PARTICE	IPATE, page 1 of 2

3:73	-cv-00127-MMD-WGC Documer	nt 651 Filed 05/09/05 Page 265 of 2
1	Attorney:	· ·
2		
3	Address:	
4		
5		
6	Phone Number:	0 1
7	Fax Number:	- Muchali malt
8		<u></u>
9		(Signature)
10		SANDYAWright
11		(Printed or typed Name)
12		·
13		
14		(Entity, if any, on whose
15		behalf you are appearing)
16		30 Circle Dr Wellington NV
17		(Address)
18		775-465-2015
19		(Telephone number)
20		
21		
22		
23		·
24	:	_ ·
25		
26	4	
27		

# Case 3:73-cy-00127-MMD-WGC Document 651 Filed 05/09/05 Page 266 of 27 WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

#### TO: Susan L. Schneider, attorney for the United States of America

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 3-29-05

Signature

Weston Wright

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Corporate, Trust, Partnership or other entity)

#### Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked be a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to beathe cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has bee brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider wit a notice of appearance and intent to participate.

	<b>{</b>	
	IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
	UNITED STATES OF AMERICA.	
	Plaintiff }	
	WALKER RIVER PAIUTE TRIBE. IN EQUITY NO. C-125	
-	Plaintiff-Intervenor, SUBFILE NO. C-125-B	
٤	vs.	
9	WALKER RIVER IRRIGATION DISTRICT, a comporation, et al.,	
10	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE	
11	1. I hereby enter my appearance in this sub-proceeding in this case	
12	The state of the s	
13	and the desired with the Bibliot Country and to the wing about 50.	
14	Chief Deputy Clerk United States District Court for the District of Nevada	
15	400 South Virginia Street, Suite 301 Reno, Nevada 89501	
15		
17	3. In the envelope provided for return of my Waiver of Service of Notice in Lieu Summons. I am mailing a copy of this document to:	1
13	Susan L. Schneider	•
19	Attorney for the United States of America	
20	United States Department of Justice Environment & Natural Resources Division P.O. Box 756	
21	Littleton, Colorado 80160	
2	4. I (or the entity on whose behalf I am acting) will retain all defenses or objection	Ί
3	the lawsuit or to the jurisdiction or venue of the court except for objections based on a defe	2:
4	the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.	
t)	5. If I (or the entity on whose behalf I am acting) have retained an attorney to represe	7
5	e in these proceedings, I identify that attorney below, along with his or her mailing address	;:
7	lephone number, and facsimile number:	
8		
	NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, page 1 of 2	

## Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 268 of 27 Address: Phone Number: Fax Number: (Signature) (Printed or typed Name) (Entity, if any, on whose behalf you are appearing) 30 Circle Drive - Welling (Address) 775-465-2015 (Telephone number)

have address to:

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
- 2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.
- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 6/10/04

Signature Leager Shoise Yeager

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as:

(Title)

(Corporate, Trust, Partnership or other entity)

# Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tripe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of "Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

hange address to: Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 270 of 27

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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- 3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.
- 4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
- 5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: <u>June</u> 10, 2004	Signature  Printed/Typed Name  If you are acting on behalf of any entity, identify that you are acting as:  of
	(Corporate, Trust, Partnership or other entity)
	• /

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to partic pate.

# Case 3:73-cv-00127-MMD-WGC Document 651 Filed 05/09/05 Page 271 of 27

# WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

Susan L. Schneider, attorney for the United States of America TO:

- 1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of United States v. Walker River Irrigation District, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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Date: 8/9/2004	Signature  Signature  Gene, Zieman  Printed/Typed Name  If you are acting on behalf of any entity, identify that you are acting as:  (Title)	re of
	(Corporate, Trust, Partnership or other entity)	

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear ne cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with notice of appearance and intent to participate.